1-4-88
Vol. 53 No. 1
Pages 1-106

Federal Register

Monday
January 4, 1988

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 890

Federal Employees Health Benefits Program—Impaired Patient-Provider Relationships

AGENCY: Office of Personnel Management.

ACTION: Final regulation.

SUMMARY: The Office of Personnel Management (OPM) is amending its Federal Employees Health Benefits (FEHB) Program regulations so that a consideration heretofore reserved for program enrollees in group-practice-type comprehensive medical plans or health maintenance organizations (CMP/HMOs) is also available to enrollees in other types of CMP/HMOs offered for FEHB purposes. As amended, the regulations will permit OPM to order the termination of an employee's or annuitant's enrollment in any CMP/HMO and permit such individual to enroll in another FEHB plan if OPM determines that the relationship between a patient covered by such enrollment and plan-affiliated health care providers is so seriously impaired that it obstructs adequate medical care and jeopardizes the individual's welfare.

EFFECTIVE DATE: February 3, 1988.

FOR FURTHER INFORMATION CONTACT: Bonnie Rose, (202) 632–4634.

SUPPLEMENTARY INFORMATION: By definition, group-practice-type CMP/HMOs employ staff physicians to provide most basic health services to plan members in plan-operated facilities. Thus, they inherently provide more limited access to alternative providers than individual-practice-type CMP/HMOs. The latter type plans negotiate services for plan members with physicians in private practice throughout the plan's enrollment area. Accordingly, FEHB regulations have, since 1964, allowed OPM (formerly the Civil Service Commission) to approve a singular opportunity for an FEHB enrollee in a group practice CMP/HMO to terminate such coverage and enroll in another FEHB plan if OPM finds that the group practice plan cannot reasonably accommodate an insured patient's medical needs. Notwithstanding that OPM has to date approved health plan changes under this regulation very infrequently, on June 26, 1987, OPM published a proposed regulation in the **Federal Register** (52 FR 24014) to broaden its application to include enrollees in all CMP/HMOs under the FEHB, as a matter of equity.

Prepaid CMP/HMOs have greatly proliferated and have undergone considerable organizational evolution since the 1960s. Today's CMP/HMOs often exhibit organizational characteristics of both the traditional group-practice and individual-practice models and, in highly competitive CMP/HMO markets, each plan's enrollees may have a relatively limited choice of alternative providers of professional services. A plan's organizational structure has become a less reliable indicator of the likelihood that occasionally the plan's delivery system and a particular patient will be so incompatible that essential medical treatment cannot be conducted. The amended regulation will afford equal protection to all similarly-situated FEHB enrollees. At the same time, OPM anticipates that use of its authority to terminate a CMP/HMO enrollment in the FEHB Program will continue to occur infrequently.

OPM received a total of four comments on the proposed regulation. Three commenters—a national medical specialty society, a trade association for prepaid medical plans, and a Federal agency—agreed that the current regulation should be broadened so that enrollees in all CMP/HMOs under the FEHB Program have protection against a seriously-impaired relationship with the plan-affiliated providers. These commenters also suggested several clarifying amendments which OPM declined to adopt for the following reasons.

The trade association and the Federal agency urged that the regulation specify the evidence necessary to document a seriously-impaired relationship. However, it is not possible to anticipate every individual circumstance which would justify a decision to terminate a CMP/HMO enrollment. Therefore, it would be undesirable for the regulation to limit OPM's consideration to particular kinds of evidence which could be inappropriate in some cases. In nearly 25 years of experience with applying this same regulation to group-practice plan enrollments, OPM has allowed termination of relatively few enrollments and anticipates that use of this authority will continue to be infrequent. In every case, the essential consideration is, as the regulation indicates, whether a plan's health care delivery system and a particular patient are so incompatible that the patient's welfare is at risk.

In addition, the medical specialty society suggested that problems with impaired patient-provider relationships could be prevented if OPM required all plans to have a sufficient number of full time, participating physicians, including psychiatrists. Historically, OPM has required each CMP/HMO to demonstrate the capability to provide reasonable access to, and choice of, quality primary and specialty care throughout the plan's service area; current regulations explicitly state this (5 CFR 890.203(a)(3)(iii)). However, because each CMP/HMO offers a finite number of alternative providers, a patient may occasionally be unable to achieve satisfactory treatment relationships within the plan's delivery system.

An underwriter for several FEHB plans urged deletion rather than expansion of the current regulation concerning termination of CMP/HMO enrollments. This commenter viewed the current regulation as inequitable to enrollees in Governmentwide or employee organization FEHB plans who "are locked into their chosen plan for the duration of the contract term regardless of an 'impaired relationship' which may be attributable to the terms of the policy, claims service, or level of benefits provided." The FEHB law and regulations provide other equally appropriate remedies for these problems.

Enrollees in FEHB plans, other than CMP/HMOs, are entitled to be reimbursed for specified medical expenses and are free to obtain services from any qualified provider. When a

plan denies reimbursement, such enrollee may request OPM to review the claim; if OPM finds that the claim is valid under the terms of the contract, the plan is bound by law to honor the claim (5 U.S.C. 8902(j)). Plans that unduly delay settling claims risk losing approval for continued FEHB participation (5 U.S.C. 8902(e)). And any enrollee who is dissatisfied with the level of benefits may change plans during the annual open enrollment season.

Enrollees in CMP/HMOs for FEHB purposes also enjoy essentially these same protections. But, since CMP/HMOs are both the insurer and the provider of services, their enrollees must generally obtain all covered health services from plan-affiliated providers. If a seriously-impaired patient-provider relationship develops so that the CMP/HMO is unable to dispense appropriate contract services to a particular patient, such patient will in effect become uninsured unless an opportunity to change to another FEHB plan is available. Again, though, only a fundamental incompatibility with a CMP/HMO's providers would warrant a change of health plans and such cases can be expected to occur infrequently with FEHB-approved plans.

E.O. 12291, Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it will simply ensure that Federal employees and annuitants enjoy the full benefits to which they are entitled under the FEHB law.

List of Subjects in 5 CFR Part 890

Administrative practice and procedure, Claims, Government employees, Health insurance, Retirement.

U.S. Office of Personnel Management.

James E. Colvard,

Deputy Director.

Accordingly, OPM is amending 5 CFR Part 890 as follows:

PART 890—[AMENDED]

1. The authority citation for Part 890 continues to read as follows:

Authority: 5 U.S.C. 8913; Sec. 890.102 also issued under 5 U.S.C. 1104.

2. In § 890.103, paragraph (c) is revised to read as follows:

§ 890.103 Correction of errors.

* * * * *

(c) OPM may order the tennination of an employee's or annuitant's enrollment in any comprehensive medical plan described in section 8903(4) of title 5, United States Code, and permit the individual to enroll in another health benefits plan for purposes of this part, upon a showing satisfactory to OPM that the furnishing of adequate medical care is jeopardized by a seriously impaired relationship between a patient and the comprehensive medical plan's affiliated health care providers.

[FR Doc. 87-30086 Filed 12-31-87; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 400

[Amdt. No. 1; Doc. No. 4353S]

General Administrative Regulations; Crop Insurance; Debt Management; Delinquent Debts; Credit Reporting Procedures; Collection Procedures; Salary Offset; IRS Tax Refund Offset

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Interim rule with request for comment.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) amends its Debt management regulations contained in 7 CFR Part 400, Subpart K, to (1) provide procedures to be followed in complying with 31 U.S.C. 3720A, the authority under which Federal agencies refer delinquent debts to the Department of the Treasury for collection by offset against Federal income tax refunds owed to named persons; and (2) provide procedures permitting salary offset for the collection of debts as provided in the Debt Collection Act of 1982 (enacted on October 25, 1982), and the regulations issued by the United States Department of Agriculture (USDA) on March 17, 1986 (51 FR 8995) (7 CFR Part 3, Subpart C).

The intended effect of this rule is to: (1) Increase debt collections and reduce delinquencies; and (2) advise the public of the procedures to be used by FCIC.

DATES: Effective Date: December 31, 1987.

Written comments on this rule must be submitted not later than February 3, 1988.

ADDRESS: Written comments on this rule should be sent to Peter F. Cole, Office of the Manager, Federal Crop Insurance Corporation, Room 4090, South Building, U.S. Department of Agriculture, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, DC., 20250, telephone (202) 447-3325.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established by Departmental Regulation 1512-1. This action constitutes a review as to the need, currency, clarity, and effectiveness of these regulations under those procedures. The sunset review date established for these regulations is September 1, 1992.

Edward D. Hews, Acting Manager, FCIC, (1) has determined that this action is not a major rule as defined by Executive Order 12291 because it will not result in: (a) An annual effect on the economy of $100 million or more; (b) major increases in costs or prices for consumers, individual industries, Federal, State, or local governments, or a geographical region; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets; and (2) certifies that this action will not increase the Federal paperwork burden for individuals, small businesses, and other persons.

In its final rule (51 FR 8995), USDA estimated that the rule implementing salary offset provisions would enable it to increase collection by approximately $5 million, representing money that is already owned and overdue. The portion of this amount recoverable by FCIC's implementation of salary offset provisions cannot be estimated, but this rule will have an impact on only a small number of Federal employees who are delinquent in repaying their debts to USDA. For this reason, it has been determined that this action will not have a significant impact on a substantial number of small entities.

This action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Flexibility Analysis was prepared.

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

This program is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115, June 24, 1983.

This action is not expected to have any significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

This rule relates to internal agency management and personnel. Therefore, pursuant to 5 U.S.C. 553(a), notice and other public procedure with respect thereto are not necessary. FCIC is implementing this rule immediately. However, notwithstanding the exemption from public comment requirements in 5 U.S.C. 553 with respect to such rules, FCIC is accepting public comments for 30 days following publication of the rule in the **Federal Register.**

Specific and detailed procedures for the collection of debt by referral to the Department of the Treasury, Internal Revenue Service (IRS), for offset against Federal income tax refunds to named persons are contained in 31 U.S.C. Part 3720A under which the IRS may collect by offset against tax refunds payable to named persons after December 31, 1985, and before July 1, 1988, debts referred by Federal agencies (26 U.S.C. 6042(d); Pub. L. 98–396, 2653(c), 98 Stat. 1158).

Specific and detailed requirements to be followed by agencies of USDA for the collection of debt by salary offset against Federal employees are contained in the Debt Collection Act of 1982 (Pub. L. 97–365, 31 U.S.C. 3701, 3711, and 3716–3719), the Attorney General-Comptroller General's joint claims collection standards for agencies (4 CFR Parts 101 through 105), the USDA debt collection regulations (7 CFR Part 3), published in the **Federal Register** on March 17, 1986, at 51 FR 8995, and the Office of Personnel Management (OPM) regulations (5 CFR Part 550, Subpart K).

This amendment to 7 CFR Part 400, Subpart K, neither adds nor detracts from those regulations but merely restates the requirements of the regulations and provides for codification of the regulations in 7 CFR Part 400 for the purposes of implementation by FCIC. No new restriction or requirement is imposed on those already subject to USDA's regulations or those regulations promulgated by IRS.

List of Subjects in 7 CFR Part 400

Crop insurance, General administrative regulations, Debt management, Delinquent debts, Credit reporting procedures, Collection procedures, IRS Tax refund offset, Salary offset, IRS Tax refund offset.

Interim Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation amends the Debt Management Regulations found at 7 CFR Part 400, Subpart K, as follows:

PART 400—GENERAL ADMINISTRATIVE REGULATIONS

1. The Authority citation for 7 CFR Part 400, Subpart K, continues to read as follows:

Authority: Secs. 506, 516, Pub. L. 75–430, 52 Stat. 73, 77, as amended (7 U.S.C. 1506, 1516).

2. The sections in Subpart L, §§ 400.141 through 400.157 are redesignated as §§ 400.161 through 400.177

3. New §§ 400.128 through 400.142 are added to Subpart K to read as follows:

Subpart K—Debt Management Regulations

§ 400.128 Definitions.

(a) *"Agency"* means (1) An Executive Agency as defined by 5 U.S.C. 105, the United States Postal Service, and the United States Postal Rate Commission, or (2) A Military Department, as defined by section 102 of Title 5 U.S.C.

(b) *"Debt"* means:

(1) An amount owed to the United States from sources including, but not limited to, insured or guaranteed loans, fees, leases, insurance premiums, interest (except where prohibited by law), rents, royalties, services, sale of real or personal property, overpayments, penalties, damages, fines and forfeitures (except those arising under the Uniform Code of Military Justice).

(2) An amount owed to the United States by an employee for pecuniary losses where the employee has been determined to be liable because of such employee's negligent, willful, unauthorized or illegal acts, including but not limited to:

(i) Theft, misuse, or loss of Government funds;

(ii) False claims for services and travel reimbursement;

(iii) Illegal, unauthorized obligations and expenditures of Government appropriations;

(iv) Using or authorizing the use of Government owned or leased equipment, facilities, supplies and services for other than official or approved purposes;

(v) Lost, stolen, damaged, or destroyed Government property;

(vi) Erroneous entries on accounting records or reports; and

(vii) Deliberate failure to provide physical security and control procedures for accountable officers, if such failure is determined to be the proximate cause for a loss of Government funds.

(c) *"Department" or "USDA"* means the United States Department of Agriculture.

(d) *"Disposable salary (pay)"* means any pay due an employee which remains after required deductions for Federal, State and local income taxes; Social Security taxes, including Medicare taxes; Federal retirement programs; premiums for life and health insurance benefits; and such other deductions as may be required by law to be withheld.

(e) *"Employee"* means a current employee of an agency, including a current member of the Armed Forces or a Reserve of the Armed Forces.

(f) *"FCIC Official"* means the Manager, or the Manager's designee.

(g) *"Hearing Officer"* means an Administrative Law Judge of the Department of Agriculture or another person not under the control of the USDA, designated by the FCIC Official to review the determination of the alleged debt.

(h) *"Salary Offset"* means a deduction of a debt due the U.S. by deduction from the disposable salary of an employee without the employee's consent.

(i) *"Waiver"* means the cancellation, remission, forgiveness, or non-recovery of a debt owed by an employee as permitted or required by 5 U.S.C. 5584, 10 U.S.C. 2774, 32 U.S.C. 716, 5 U.S.C. 8346(b), or any other law.

§ 400.129 Salary offset.

(a) Debt collection by salary offset is feasible if: the cost to the Government of collection by salary offset does not exceed the amount of the debt; there are no legal restrictions to the debt, such as the debtor being under the jurisdiction of a bankruptcy court or the expiration of a statute of limitations; or, other such legal restrictions. The Debt Collection Act permits collections of debts by offset for claims that have not been outstanding for more than 10 years.

(b) The salary offset provisions contained herein provide procedures which must be followed before FCIC may request another Federal agency to offset any amount from the debtor's salary. Decisions made under the provisions of this section are not appealable under the provisions of the Appeal Regulations in Part 400, Subpart J of this title.

(c) These regulations will not apply to any case where collection of a debt by salary offset is explicitly provided for by

another statue as noted by the Comptroller General in 64 Comp. Gen. 142 (1984), including 5 U.S.C. 5512(a), 5 U.S.C. 5513, 5 U.S.C. 5522(a) (1), 5 U.S.C. 5705 (1) and (2), and 5 U.S.C. 5724(f).

(d) Salary offset may be used by FCIC to collect debts which arise from delinquent FCIC premium payments or delinquent repayment plans and other debts arising from, but not limited to, such sources as program theft, embezzlement, fraud, salary overpayments, underwithholding of any amounts due and payable for life and health insurance, advance travel payments, overpaid indemnities, and any amount owed by present or former employees from loss of federal funds through negligence and other matters. The debt does not have to be reduced to judgment and does not have to be covered by a security instrument.

(e) FCIC may use salary offset against one of its employees who is indebted to another agency if requested to do so by that agency. Salary offset will not be initiated until after other servicing options available to the requesting agency have been utilized, and due process has been afforded to the FCIC employee. When salary offset is utilized, payment for the debt will be deducted from the employee's salary and sent directly to the creditor agency. Not more than fifteen percent (15%) of the employee's disposable salary can be offset in any one pay period, unless the employee agrees in writing to the deduction of a larger amount.

(f) When FCIC is owed a debt by an employee of another agency, the other agency shall not initiate the requested offset until FCIC provides the agency with a written certification that the debtor owes FCIC a debt (including the amount and basis of the debt and the due date of the payment), and that FCIC has complied with Department regulations. If a repayment schedule is elected by the employee, interest will be charged in accordance with Departmental Regulation 2520–1, Interest Rate on Delinquent Debts; USDA Debt Collection Regulations in 7 CFR Part 3; and 4 CFR 102.13.

(g) For the purposes of this section, the Manager, FCIC, or the Manager's designee, is delegated authority to:

(1) Certify to the debtor's employing agency that the debt exists and the amount of the debt or delinquent balance;

(2) Certify that, with respect to debt collection, the procedures and regulations of FCIC and the Department have been complied with; and

(3) Request that salary offset be initiated by the debtor's employing agency.

§ 400.130 Notice requirements before offset.

Salary offset will not be made unless the employee receives 30 calendar days written notice. The notice of intent to offset salary (notice of intent) will state:

(a) That FCIC has reviewed the records relating to the debt and has determined that the debt is owed, and has verified the amount of the debt, and the facts giving rise to the debt;

(b) That FCIC intends to deduct an amount not to exceed 15% of the employees current disposable salary until the debt and all accumulated interest are paid in full;

(c) The amount, frequency, approximate beginning date, and duration of the intended deductions;

(d) An explanation of the requirements concerning interest, penalties, and administrative costs, including a statement that these assessments will be made unless waived in accordance with 31 U.S.C. 3717 and 7 CFR 3.34;

(e) That FCIC's records concerning the debt are available to the employee for inspection and that the employee may request a copy of such records;

(f) That the employee has a right to voluntarily enter into a written agreement with FCIC for a repayment schedule with FCIC, which may be different from that proposed by FCIC, if the terms of the repayment agreement are agreed to by FCIC;

(g) That the employee has the right to a hearing conducted by an Administrative Law Judge of USDA, or a hearing official not under the control of USDA, concerning the determination of the debt, the amount of the debt, or the percentage of disposable salary to be deducted each pay period, if the petition for a hearing is filed by the employee as prescribed by FCIC;

(h) The method and time period allowable for a petition for a hearing;

(i) That the timely filing of a hearing petition will stay the offset collection proceedings;

(j) That a final decision on the hearing will be issued at the earliest practical date, but not later than 60 calendar days after the filing of the petition, unless the employee requests, and the hearing officer grants, a delay in the proceedings;

(k) That any knowingly false or frivolous statement, representation, or evidence may subject the employee to:

(1) Disciplinary procedures appropriate under 5 U.S.C. Chapter 75, 5 CFR Part 752, or any other applicable Statutes or regulations;

(2) Penalties under the False Claims Act, 31 U.S.C. 3729–3731, or any other applicable statutory authority; or

(3) Criminal penalties under 18 U.S.C. 286, 287, 1001, and 1002, or any other applicable statutory authority;

(l) Any other rights or remedies available to the employee under any statute or regulations governing the program for which collection is being made;

(m) That the employee may request waiver of salary overpayment under applicable statutory authority (5 U.S.C. 5584, 10 U.S.C. 2774, 32 U.S.C 716, or 5 U.S.C 8346(b)), or may request waiver in the case of general debts and if waiver is available under any statutory provision pertaining to the particular debt being collected. The employee may question the amount or validity of the salary overpayment or general debt by submitting a claim to the Comptroller General in accordance with General Accounting Officer procedure.

(n) That amounts paid on or deducted for the debt which are later waived or found not to be owed to the United States will be promptly refunded to the employee, unless there are applicable contractual or statutory provisions to the contrary; and

(o) The name and address of an official of FCIC to whom the employee should direct any communication with respect to the debt.

§ 400.131 Request for a hearing and result if an employee fails to meet deadlines.

(a) Except as provided in paragraph (c) of this section, an employee must file a petition for hearing that is received by the FCIC Official not later than 30 calendar days from the date of the notice of intent to collect a debt by salary offset, if the employee wants a hearing concerning:

(1) The existence or amount of the debt; or

(2) The FCIC Official's proposed offset schedule, including the percentage of deduction.

(b) The petition must be signed by the employee and should clearly identify and explain with reasonable specificity and brevity the facts, evidence and witnesses which the employee believes support the his or her position. If the employee objects to the percentage of disposable salary to be deducted from each check, the petition should state the objection and the reasons for it.

(c) If the employee files a petition for hearing later than the 30 days provided in paragraph (a) of this section, the FCIC Official may accept the petition if the employee is able to show that the delay caused by conditions beyond his or her control, or because the employee failed to received the notice of the filing

deadline (unless the employee has actual notice of the deadline).

(d) An employee will not be granted a hearing and will have his or her disposable salary offset in accordance with the FCIC Official's announced schedule if the employee:

(1) Fails to file a petition for hearing as set forth in this subsection; or

(2) Is scheduled to appear and fails to appear at the hearing.

§ 401.132 Hearings.

(a) If an employee timely files a petition for a hearing, the FCIC Official will select the date, time, and location for the hearing.

(b) The hearing shall be conducted by an appropriately designated Hearing Official.

(c) Rules of evidence shall not be observed, but the hearing officer will consider all evidence that he or she determines to be relevant to the debt that is the subject of the hearing, and weigh all such evidence accordingly, given all the facts and circumstances surrounding the debt.

(d) The burden of proof with respect to the existence of the debt rests with FCIC.

(e) The employee requesting the hearing shall bear the ultimate burden of proof.

(f) The evidence presented by the employee must prove that no debt exists, or cast sufficient doubt such that reasonable minds could differ as to the existence of the debt.

§ 401.133 Written decision following a hearing.

(a) At the conclusion of the hearing, a written decision will be provided which will include:

(1) A statement of the facts presented at the hearing supporting the nature and origin of the alleged debt and those presented to refute the debt;

(2) The hearing officer's analysis, findings, and conclusions, considering all the evidence presented and the respective burdens of the parties, in light of the hearing;

(3) The amount and validity of the alleged debt determined as a result of the hearing;

(4) The payment schedule (including the percentage of disposable salary), if applicable; and

(5) The determination of the amount of the debt at this hearing is the final agency action on this matter.

§ 400.134 Review of FCIC record related to the debt.

An employee who intends to inspect or copy FCIC records related to the debt must send a letter to the FCIC official (designated in the notice of intent) stating his or her intentions. The letter must be received by the FCIC official within 30 calender days of the date of the notice of intent. In response to the timely notice submitted by the debtor, the FCIC official will notify the employee of the location and time when the employee may inspect and copy FCIC records related to the debt.

§ 400.135 Written agreement to repay debt as an alternative to salary offset.

The employee may propose, in response to a notice of intent, a written agreement to repay the debt as an alternative to salary offset. The proposed written agreement to repay the debt must be received by the FCIC official within 30 calendar days of the date of the notice of intent. The FCIC official will notify the employee whether the employee's proposed written agreement for repayment is acceptable. The FCIC official may accept a repayment agreement instead of proceeding by offset. In making this determination, the FCIC official will balance the FCIC interest in collecting the debt against hardship to the employee. If the debt is delinquent and the employee has not disputed its existence or amount, the FCIC official will accept a repayment agreement, instead of offset, for good cause such as, if the employee establishes that offset would result in undue financial hardship, or would be against equity and good conscience.

§ 400.136 Procedures for salary offset; when deductions may begin.

(a) Deductions to liquidate an employee's debt will be made by the method and in the amount outlined in the Notice of Intent to collect from the employee's salary, as provided for in § 400.130.

(b) If the employee files a petition for a hearing before the expiration of the period provided for in § 400.130, then deductions will begin after the hearing officer has provided the employee with a final written decision in favor of FCIC.

(c) If an employee retires or resigns before collection of the amount of the indebtedness is completed, the remaining indebtedness will be collected in accordance with procedures for administrative offset.

§ 400.137 Procedures for salary offset: types of collection.

A debt will be collected in a lump-sum or in installments. Collection will be by lump-sum collection unless the employee is financially unable to pay in one lump-sum, or if the amount of the debt exceeds 15 percent of the disposable pay for an ordinary pay period. In these cases, deduction will be by installments as set forth in § 400.138.

§ 400.138 Procedures for salary offset: methods of collection.

(a) *General.* A debt will be collected by deductions at officially-established pay intervals from an employee's current pay account, unless the employee and the hearing official agree to alternative arrangements for repayment under § 400.135.

(b) *Installment deductions.* Installment deductions will be made over a period not greater than the anticipated period of employment. The size and frequency of the installment deductions will bear a reasonable relation to the size of the debt and the employee's ability to pay. If possible, the installment payment will be sufficient in size and frequency to liquidate the debt in no more than three years. Installment payments of less than $25.00 per pay period, or $50.00 per month, will be accepted only in the most unusual circumstances.

§ 400.139 Nonwaiver of rights.

So long as there are no statutory or contractual provisions to the contrary, no employee payment (or all or portion of a debt) collected under these regulations will be interpreted as a waiver of any rights that the employee may have under the provisions of 5 U.S.C. 5514.

§ 400.140 Refunds.

FCIC will promptly refund to the appropriate individual amounts offset under these regulations when:

(a) A debt is waived or otherwise found not owing to the United States (unless expressly prohibited by statute or regulation); or

(b) FCIC is directed by an administrative or judicial order to refund amounts deducted from an employee's current pay.

§ 400.141 Internal Revenue Service (IRS) Tax Refund Offset.

Under the provisions of 31 U.S.C. 3720A, the (IRS) may be requested to collect a legally enforceable debt owing to any Federal agency by offset against a taxpayer's Federal income tax refund. This section provides policies and procedures to implement IRS tax refund offsets in accordance with the provisions set forth in § 301.6402–6T of 26 CFR Chapter I.

(a) Any person who is indebted to the Federal Crop Insurance Corporation (FCIC) is entitled to the extent of FCIC's administrative due process including review and appeal of the debt under the

Appeal Regulations in 7 CFR Part 400, Subpart J.

(b) If, after such administrative due process is exhausted, the debt is still outstanding with no other means of collection, the debtor will be notified by letter of FCIC's intention to refer such debt to the IRS for collection by tax refund offset. The notification letter will inform the debtor that their account is delinquent and that IRS will be requested to reduce the amount of any tax refund check due the debtor by the amount of the deliquency. The debtor will be given 60 days in which to write to the Manager, FCIC, providing written evidence that the debt is not legally enforceable. FCIC will refer the debt to IRS for collection by offset after the 60-day period if no response is received from the debtor. Decisions made under the provisions of this section are not appealable under the provisions of the Appeal Regulations in 7 CFR Part 400, Subpart J.

(c) If the debtor has requested a review, and has provided written evidence that the debt is not legally enforceable, the Manager, with the assistance of the Office of General Counsel, USDA, will review the debtor's reasons for believing that the debt is not legally enforceable. The debtor will then be notified of the results of the review.

(d) FCIC will notify IRS of those accounts against which offset action is to be taken.

(e) If, during the period of review, the debtor pays the debt in full, the collection of the debt by tax refund offset procedure will be halted. Changes in debtor status that eliminate the debtor from IRS offset will be reported to IRS by FCIC and the debtor's refund will not be offset.

(f) Amounts offset for delinquent debt which are later found to be not owed to FCIC, will be promptly refunded.

(g) Debtors will not be subject to IRS offset for any of the following reasons:

(1) Debtors who are discharged in bankruptcy or who are under the jurisdiction of a bankruptcy court;

(2) Debtors who are employed by the Federal Government;

(3) Debtors whose cases are in suspense because of actions pending by or taken by FCIC;

(4) Debtors who have not provided a Social Security Number (SSN) and no SSN can be obtained;

(5) Debtors whose indebtedness is less than $25;

(6) Debtors whose account is more than ten (10) years delinquent; except in the case of a judgment debt; or

(7) Debtors whose account has not been first reported to a consumer credit reporting agency.

§ 400.142 Past-due legally enforceable debt eligible for refund offset.

For purposes of this section, a past-due, legally enforceable debt which may be referred by FCIC to IRS for offset is a debt which:

(a) Except in the case of a judgement debt, has been delinquent for at least three months but has not been delinquent for more than 10 years at the time the offset is made;

(b) Cannot be currently collected pursuant to the salary offset provisions of 5 U.S.C. 5514(a)(1);

(c) Is ineligible for administrative offset under 31 U.S.C. 3716(a) by reason of 31 U.S.C. 3716(c)(2), or cannot be collected by administrative offset under 31 U.S.C. 3716(a) by the referring agency against amounts payable to the debtor by the referring agency;

(d) With respect to which the agency has given the employee at least 60 days to present evidence that all or part of the debt is not past-due or legally enforceable, has considered evidence presented by such employee, and has determined that an amount of such debt is past-due and legally enforceable;

(e) Has been disclosed by FCIC to a consumer reporting agency as authorized by 31 U.S.C. 3711(f), in the case of a debt to be referred to IRS after June 30, 1986;

(f) With respect to which that FCIC has notified, or has made a reasonable attempt to notify, the employee that:

(1) The debt is past due; and

(2) Unless repaid within 60 days thereafter, will be referred to IRS for offset against any overpayment of tax; and

(3) Which is at least $25.00.

Done in Washington, DC on December 28, 1987.

Edward D. Hews,

Acting Manager, Federal Crop Insurance Corporation.

[FR Doc. 87-30171 Filed 12-30-87; 10:33 am]

BILLING CODE 3410-08-M

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Reg. 666]

Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 666 establishes the quantity of California-Arizona navel oranges that may be shipped to market during the period January 1 through January 7, 1988. Such action is needed to balance the supply of fresh navel oranges with the demand for such oranges during the period specified due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: Regulation 666 (§ 907.966) is effective for the period January 1 through January 7, 1988.

FOR FURTHER INFORMATION CONTACT: Raymond C. Martin, Section Head, Volume Control Programs, Marekting Order Administration Branch, F&V, AMS, USDA, Room 2528-S, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 447-5120.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Order 907 (7 CFR Part 907), as amended, regulating the handling of navel oranges grown in Arizona and designated part of California. This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended, hereinafter referred to as the Act.

This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512-1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of the use of volume regulations on small entities as well as larger ones.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 123 handlers of California-Arizona navel oranges subject to regulation under the navel orange marketing order, and approximately 4,065 producers in California and Arizona. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having annual gross revenues for the last three years of less than $100,000, and small agricultural service firms are defined as those whose gross annual receipts are less than $3,500,000. The majority of handlers and producers of California-Arizona navel oranges may be classified as small entities.

This action is consistent with the marketing policy for 1987–88 adopted by the Navel Orange Administrative Committee (Committee). The Committee met publicly on December 29, 1987, in Visalia, California, to consider the current and prospective conditions of supply and demand and unanimously recommended a quantity of navel oranges deemed advisable to be handled during the specified week. The Committee reports that the market for navel oranges is stable.

Based on consideration of supply and market conditions, and the evaluation of alternatives to the implementation of prorate regulations, the Administrator of the AMS has determined that this final rule will not have a significant economic impact on a substantial number of small entities.

Pursuant to 5 U.S.C. 553, it is further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in further public procedure with respect to this action and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. To effectuate the declared purposes of the Act, it is necessary to make this regulatory provision effective as specified, and handlers have been apprised of such provision and the effective time.

List of Subjects in 7 CFR Part 907

Marketing agreements and orders, California, Arizona, Oranges (navel).

For the reasons set forth in the preamble, 7 CFR Part 907 is amended as follows:

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

1. The authority citation for 7 CFR Part 907 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. Section 907.966 is added to read as follows:

§ 907.966 Navel Orange Regulation 666.

The quantity of navel oranges grown in California and Arizona which may be handled during the period January 1, 1988, through January 7, 1988, are established as follows:

(a) District 1: 1,160,000 cartons;
(b) District 2: 218,000 cartons;
(c) District 3: 58,000 cartons;
(d) District 4: 14,000 cartons.

Dated: December 30, 1987.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 87–30201 Filed 12–31–87; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 910

[Lemon Reg. 594]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 594 establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 260,000 cartons during the period January 3 through January 9, 1988. Such action is needed to balance the supply of fresh lemons with market demand for the period specified, due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: Regulation 594 (§ 910.894) is effective for the period January 3 through January 9, 1988.

FOR FURTHER INFORMATION CONTACT: Raymond C. Martin, Section Head, Volume Control Programs, Marketing Order Administration Branch, F&V, AMS, USDA, Room 2523, South Building, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 447–5697.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1521–1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

The purpose of the RFA is to fit regulatory action to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Agricultural Marketing Agreement Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

This regulation is issued under Marketing Order No. 910, as amended (7 CFR Part 910) regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing Agreement Act (the "Act", 7 U.S.C. 601–674), as amended. This action is based upon the recommendation and information submitted by the Lemon Administrative Committee and upon other available information. It is found that this action will tend to effectuate the declared policy of the Act.

This regulation is consistent with the marketing policy for 1987–88. The committee met publicly on December 29, 1987, in Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended, by a 12–0–1 vote, a quantity of lemons deemed advisable to be handled during the specified week. The committee reports that, with lessened demand, lemon prices are declining.

Pursuant to 5 U.S.C. 553, it is further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, and engage in further public procedure with respect to this action and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary, in order to effectuate the declared purposes of the Act, to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

For the reasons set forth in the preamble, 7 CFR Part 910 is amended as follows:

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

1. The authority citation for 7 CFR Part 910 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. Section 910.894 is added to read as follows:

§ 910.894 Lemon Regulation 594.

The quantity of lemons grown in California and Arizona which may be handled during the period January 3, 1988, through January 9, 1988, is established at 260,000 cartons.

Dated: December 30, 1987.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 87-30200 Filed 12-31-87; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 87-NM-160-AD; Amdt. 39-5823]

Airworthiness Directives; Boeing Model 737 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 737 series airplanes, which requires operational testing of fuel boost pump bypass valves. This amendment is prompted by the determination that small amounts of water in the valves may freeze and prevent valve operation. This condition, if not corrected, could result in loss of both engines in the event of an electrical power failure.

EFFECTIVE DATE: January 27, 1988.

ADDRESSES: The applicable service information may be obtained from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Stewart R. Miller, Propulsion Branch, ANM-140S; telephone (206) 431-1969. Mailing Address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: During the course of an investigation into two separate incidents of unexplained engine flameouts on Model 737 airplanes in cruise conditions, it was determined that small accumulations of water in the fuel boost pump bypass valve may freeze, preventing fuel flow to the engine while on suction feed (boost pump off). The present design of the fuel system is such that water in the fuel feed line is able to collect at the bypass valves. Since this water can be loaded as a contaminant in fuel and since both main tanks are normally fueled simultaneously from the same source, both tanks may be expected to be contaminated. This condition is normally undetectable. In the event of an alternating current electrical failure at altitude, power to all boost pumps is lost and both engines would flame out due to fuel starvation resulting from the frozen bypass valves.

This problem is confined to certain Model 737-200 airplanes from line position 1026 to line position 1486, and all Model 737-300 airplanes from line position 1001 to line position 1485. Other Model 737 airplanes have a fuel system design which prevents water accumulation at the valves.

The FAA has reviewed and approved Boeing Alert Service Bulletin 737-28A1072, dated August 27, 1987, which describes procedures to operationally test and purge the fuel boost pump bypass line of water on a scheduled basis.

Since this situation is likely to exist or develop on other airplanes of the same type design, this AD requires repetitive operational tests of the bypass valves, in accordance with the service bulletin previously mentioned.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

The FAA has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required).

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

Boeing: Applies to Model 737 series airplanes listed in Boeing Alert Service Bulletin 737-28A1072, dated August 27, 1987, certified in any category. Compliance required as indicated, unless previously accomplished.

To prevent engine flame out due to boost pump bypass valve freezing, accomplish the following:

A. Prior to accumulation of 150 flight hours after the effective date of this AD, and thereafter at intervals not to exceed 300 flight hours, perform an operational test of the bypass valves in accordance with Boeing Alert Service Bulletin 737-28A1072 dated August 27, 1987, or later FAA-approved revisions.

B. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

All persons affected by this directive who have not already received the appropriate service information from the manufacturer may obtain copies upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective January 27, 1988.

Issued in Seattle, Washington, on December 23, 1987.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

[FR Doc. 87-30134 Filed 12-31-87; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 87-NM-171-AD; Amdt. 39-5826]

Airworthiness Directives; Boeing Model 737-100 and -200 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all Boeing Model 737-100 and -200 series airplanes, which requires inspections for cracks in the aft engine mount cone bolt, and, replacement, if necessary. This amendment is prompted by the report of a separation of an engine in flight due to failure of the aft engine mount cone bolt. This condition, if not corrected, could result in separation of other engines.

EFFECTIVE DATE: January 25, 1988.

ADDRESSES: The applicable service information may be obtained from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Owen E. Schrader, Airframe Branch, ANM-120S; telephone (206) 431-1923. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: On December 5, 1987, the number 2 engine separated from a Boeing Model 737-200 airplane a few minutes after takeoff. Loss of the engine has been attributed to failure of the aft engine mount cone bolt. Wear patterns on the bolt give indications that bolt preload was below the required installation preload, causing the bolt to develop a fatigue crack and subsequently fail. There have been three other reports of fatigue failure of this bolt due to improper torquing or loss of preload; however, this has been the first time that an engine has separated from the airplane.

Since this condition is likely to exist or develop on other airplanes of the same type design, this AD requires repetitive ultrasonic inspection of the aft engine mount cone bolt and replacement, if necessary, in accordance with FAA-approved procedures. This constitutes interim action pending further rulemaking that will address terminating action.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

The FAA has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required).

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

Boeing: Applies to all Model 737-100 and -200 series airplanes, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent inadvertent separation of the engine from the airplane, accomplish the following:

A. Within the next 300 landings after the effective date of this AD, and thereafter at intervals not to exceed 600 landings, inspect for cracks in the aft engine mount cone bolt in accordance with Boeing Alert Bulletin 737-71A1212, dated December 22, 1987, using ultrasonic inspection techniques. Replace cracked cone bolts, prior to further flight, with bolts that have been inspected in accordance with the Boeing Alert Service Bulletin previously mentioned, using magnetic particle inspection techniques. Replacement cone bolts must be ultrasonically inspected for internal cracking in accordance with the provisions of this paragraph at intervals not to exceed 600 landings.

B. An alternate means of compliance or adjustment of the compliance time, which provide an acceptable level of safety and which has the concurrence of an FAA Principal Maintenance Inspector, may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service information from the manufacturer may obtain copies upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective January 25, 1988.

Issued in Seattle, Washington, on December 24, 1987.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

[FR Doc. 87-30130 Filed 12-31-87; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 87-NM-107-AD; Amdt. 39-5818]

Airworthiness Directives; Boeing Model 737-300 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 737-300 series airplanes, which requires replacing the existing Electronic Flight Instrument System (EFIS) symbol generators with updated symbol generators. This amendment is prompted by reports of the EFIS display going blank during certain flight conditions. This condition, if not corrected, could lead to blanking of the primary EFIS display during critical phases of flight.

EFFECTIVE DATE: February 16, 1988.

ADDRESSES: The applicable service information may be obtained from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Alvin Habbestad, Systems & Equipment Branch, ANM-130S, Seattle Aircraft Certification Office; telephone (206) 431-1942. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive which requires replacement of the symbol generator on certain Boeing Model 737-300 series airplanes, was published in the **Federal Register** on September 9, 1987 (52 FR 33949).

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given the single comment received in response to the proposal.

The commenter supported the proposal.

Paragraph B. of the final rule has been revised to require the concurrence of an FAA Principal Maintenance Inspector in requests by operators for use of alternate means of compliance. The FAA has determined that this change will not increase the economic burden on any operator, nor will it increase the scope of the AD.

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed, with the change previously discussed.

It is estimated that 18 airplanes of U.S. registry will be affected by this AD, that it will take approximately 4 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $2,880.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic impact on a substantial number of small entities because few, if any, Boeing Model 737-300 series airplanes are operated by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

Boeing: Applies to Model 737-300 series airplanes listed in Boeing Service Bulletin 737-34-1220 dated April 30, 1987, certificated in any category. Compliance required within one year after the effective date of this AD, unless previously accomplished.

To prevent loss of the primary Electronic Flight Instrument System (EFIS) displays, accomplish the following:

A. Replace the EFIS symbol generators in accordance with Boeing Service Bulletin 737-34-1220 dated April 30, 1987, or later FAA-approved revisions.

B. An alternate means of compliance or adjustment of the compliance time, which provide an acceptable level of safety, and which has the concurrence of an FAA Principal Maintenance Inspector, may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for accomplishment of the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective February 16, 1988.

Issued in Seattle, Washington, on December 21, 1987.

Wayne J. Barlow,

Director, Northwest Mountain Region.

[FR Doc. 87-30136 Filed 12-31-87; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 87-NM-118-AD; Amdt. 39-5825]

Airworthiness Directives; Boeing Model 757 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 757 series airplanes, which requires modification of the hydraulic power auxiliary ram air turbine deploy mode wiring. This amendment is prompted by reports of inadvertent ram air turbine deployment on the ground while parked, due to false actuation of the airspeed switch, and inhibition of deployment during flight at low airspeeds. This condition, if not corrected, could lead to injury of ground personnel or loss of hydraulic flight controls during low speed operations following loss of two engines.

EFFECTIVE DATE: February 19, 1988.

ADDRESSES: The applicable service information may be obtained from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Robert McCracken, Systems and Equipment Branch, ANM-130S; telephone (206) 431-1947. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington, 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive which requires modification of the hydraulic power auxiliary ram air turbine deploy mode wiring on Boeing Model 757 series airplanes, was published in the **Federal Register** on October 8, 1987 (52 FR 37620).

Interested persons have been afforded the opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Commenters requested that the compliance period be extended from six months, as proposed, to one year. One commenter stated that, due to the manhours involved, the modification could be accomplished with significantly reduced expense if it were performed during routine extended maintenance, which an extended compliance period would allow. Another commenter noted that its airplanes require additional work when incorporating the required service bulletin, and requested the extension of the compliance time in order to accomplish that work. The FAA has considered this information and has determined that an extension of the compliance time from six months to one year will not result in a significant degradation of safety. The final rule has been revised accordingly.

Paragraph B. of the final rule has been revised to require the concurrence of the FAA Principal Maintenance Inspector in requests by operators for use of alternate means of compliance. The FAA has determined that this change will not increase the economic burden on any operator, nor will it increase the scope of the AD.

After a careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require adoption of the rule with the changes previously noted.

It is estimated that 81 airplanes of U.S. registry will be affected by this AD, that it will take approximately 30 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $97,200.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities because few, if any, Boeing Model 757 series airplanes are operated by small entities. A final evaluation has been prepared for this action and has been placed in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

Boeing: Applies to Model 757 series airplanes, as listed in Boeing Alert Service Bulletin 757-29A0032, dated July 9, 1987, certificated in any category. Compliance required within one year after the effective date of this AD, unless previously accomplished.

To prevent inadvertent ram air turbine deployment on the ground while parked, and to ensure proper deployment in flight, accomplish the following:

A. Modify the ram air turbine wiring in accordance with Boeing Alert Service Bulletin 757-29A0032, dated July 9, 1987, or later FAA-approved revision.

B. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety and which has the concurrence of an FAA Principal Maintenance Inspector, may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective February 19, 1988.

Issued in Seattle, Washington, on December 23, 1987.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

[FR Doc. 87-30125 Filed 12-31-87; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 87-NM-83-AD; Amdt. 39-5824]

Airworthiness Directives; British Aerospace (BAe) 125-800 Model Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all BAe 125-800 series airplanes, which requires inspection of the plumbing near the ventral fuel tank, and repair, if necessary. This amendment is prompted by reports of chafing between fuel, oxygen and hydraulic lines. This condition, if not corrected, could result in a fire hazard due to subsequent system leakage.

EFFECTIVE DATE: February 19, 1988.

ADDRESSES: The applicable service information may be obtained from British Aerospace, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Bob Huhn, Standardization Branch, ANM-113; telephone (206) 431-1967. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive which requires inspection, and repair, if necessary, of the fuel, oxygen and hydraulic plumbing near the ventral fuel tank on all BAe 125-800 series airplanes, was published in the **Federal Register** on October 8, 1987 (52 FR 37623).

Interested parties have been afforded an opportunity to participate in the making of this amendment. No comments were received in response to the NPRM.

After careful review of the available data, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

It is estimated that 420 airplanes of U.S. registry will be affected by this AD, that it will take approximately 0.5 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour.

Based on these figures, the total cost impact of this AD to U.S. operators is estimated to be $8,400.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities because of the minimal cost of compliance per airplane ($20). A final evaluation has been prepared for this regulation and has been placed in the docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

British Aerospace: Applies to all Model BAe 125-800 airplanes certificated in any category. Compliance required within 90 days after the effective date of this AD, unless previously accomplished.

To reduce the risk of leakage from fuel, oxygen, and hydraulic systems and the resulting fire and functional risks that such leaks present, accomplish the following:

A. Inspect the plumbing in the area of the ventral fuel tanks, and repair as necessary, in accordance with British Aerospace Service Bulletin 53-60, dated November 8, 1985.

B. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM-113, FAA, Northwest Mountain Region.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

All persons affected by this directive who have not already received the appropriate service document from the manufacturer may obtain copies upon request to British Aerospace, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041. This document may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective February 19, 1988.

Issued in Seattle, Washington, on December 23, 1987.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

[FR Doc. 87-30126 Filed 12-31-87; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 87-NM-158-AD; Amdt. 39-5822]

Airworthiness Directives; SAAB-Fairchild Model SF-340A Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the **Federal Register**, and makes effective as to all persons, an amendment adopting a new airworthiness directive (AD), which was previously made effective as to all known U.S. owners and operators of SAAB-Fairchild Model SF-340A series airplanes by individual telegrams. This AD requires repetitive inspection and replacement of the engine power control cable attach pins if wear tolerances are exceeded. This amendment also revises the telegraphic AD to include reference to the manufacturer's newly-issued service bulletin for accomplishment of the required inspections. This action is necessary to prevent attach pin failure and subsequent possible propeller/engine overspeed; the overspeed condition may cause a reduction in airplane control or cause engine/propeller failure, or a combination of these conditions.

EFFECTIVE DATE: January 27, 1988.

This AD was effective earlier to all recipients of telegraphic AD T87-24-51, dated November 17, 1987.

ADDRESSES: The applicable service information may be obtained from SAAB Scania, Product Support, S-58188, Linkoping, Sweden. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mark Quam, Standardization Branch, ANM-113; telephone (206) 431-1978. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: The FAA recently received reports of two events, involving SAAB-Fairchild Model SF-340A series airplanes, where the propeller RPM increased when the engine power was reduced for descent. In both cases, the affected engine was shut down and a safe landing was made. It was determined that the overspeed condition was caused by sheared pins in the power control cable located between the Hydro Mechanical Engine Control Unit (HMC) and the Propeller Control Unit (PCU). It was further determined that, if the power lever in the control quadrant is retarded to flight idle, the power lever on the PCU may move to the Beta-Range. As a result, propeller overspeed beyond controlled limits may occur. This could result in a reduction of airplane control, or cause propeller/engine overspeed and subsequent propeller/engine failure, or a combination of these failure conditions.

SAAB issued a message, Number 72LAS2718, to all operators on November 11, 1987, informing them of the power control cable failures that had occurred, and recommending repetitive inspection, and replacement if necessary, to commence within 100 hours after receipt of the message. The Swedish Airworthiness Authority issued Swedish Airworthiness Directive Number 1-024, declaring the procedures contained in the SAAB message as mandatory.

On November 17, 1987, the FAA issued Telegraphic AD T87-24-51 to require U.S. operators to conduct repetitive inspections, and replacement, if necessary, of the power control cables, in accordance with the SAAB message.

Subsequent to the issuance of telegraphic AD T87-24-51, the manufacturer issued SAAB-Scania AB Alert Service Bulletin SF340-76A-024, dated November 20, 1987, which contains instructions for the inspection described in SAAB message Number 72LAD2718.

This amendment revises telegraphic AD T87-24-51 to include reference to SAAB Scania Alert Service Bulletin SF340-76A-024 in the inspection requirements, and to add a new paragraph D. which allows the issuance of special flight permits to operators so that airplanes may be ferried to a base in order to comply with the requirements of the AD.

Since a situation existed, and still exists, that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

The FAA has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in the aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 29, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required).

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

SAAB-Fairchild: Applies to all Model SF-340A series airplanes, certificated in any category. Compliance is required within 100 flight hours after receipt of this airworthiness directive, unless previously accomplished.

To prevent a reduction in airplane controllability or propeller/engine overspeed due to sheared engine power control cable pins, accomplish the following:

A. Inspect the engine power control cables, part numbers C82146-1 or C82146-2, located between the hydro mechanical engine control units and the propeller control units for axial play, in accordance with SAAB message to all operators, number 72LAS2718, dated November 11, 1987, or SAAB Service Bulletin SF-340-76A-024, dated November 20, 1987.

B. If the axial play measured in the inspection required by paragraph A., above:

1. Exceeds 0.5 mm (0.02 inches), replace the cable assembly with an airworthy cable assembly before the next flight.

2. Is 0.5 mm (0.02 inches) or less, repeat the control cable inspection required by paragraph A., above, at intervals not to exceed 100 flight hours time in service.

3. Is not detectable, repeat the control cable inspection required by paragraph A., above, at intervals not to exceed 500 flight hours time in service.

C. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety and which has the concurrence of an FAA principal maintenance inspector, may be used when approved by the Manager, Standardization Branch, ANM-113, FAA, Northwest Mountain Region.

D. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of the inspection required by this AD.

All persons affected by this directive who have not already received the appropriate service document from the manufacturer may obtain copies upon request to SAAB Scania, Product Support, S-58188, Linkoping, Sweden. This document may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective January 27, 1988.

This amendment was effective earlier to all recipients of telegraphic AD T87-24-51, dated November 17, 1987.

Issued in Seattle, Washington, on December 23, 1987.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

[FR Doc. 87-30127 Filed 12-31-87; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 87-NM-115-AD; Amdt. 39-5820]

Airworthiness Directives; Short Brothers Model SD3-60 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to Short Brothers Model SD3-60 series airplanes, which requires modification of an aileron control lever and bracket. This amendment is necessary to prevent incorrect installation of an aileron control lever and attaching rods. This condition, if not corrected, could result in improper installation of the lever and rods, and subsequent increase in aileron control forces and improper control surface travel.

EFFECTIVE DATE: February 16, 1988.

ADDRESSES: The applicable service information may be obtained from Short Brothers, 2011 Crystal Drive, Suite 713, Arlington, Virginia 22202-3702. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Bob Huhn, Standardization Branch, ANM-113; telephone (206) 431-1967. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive, which requires modification of an aileron control lever and bracket on Short Brothers Model SD3-60 series airplanes, was published in the **Federal Register** on October 8, 1987 (52 FR 37621).

Interested parties have been afforded an opportunity to participate in the making of this amendment. No comments were received in response to the NPRM.

After careful review of the available data, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

It is estimated that 42 airplanes of U.S. registry will be affected by this AD, that it will take approximately 14 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. Estimated cost of parts is $50 per airplane. Based on these figures, the total cost impact of this AD to U.S. operators is estimated to be $26,620.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities because of the minimal cost of compliance per airplane ($610). A final evaluation has been prepared for this regulation and has been placed in the docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

Shorts Brothers PLC: Applies to Model SD3-60 series airplanes, Serial Numbers SH3601 through SH3676, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent incorrect installation of aileron control levers and rods, which would result in increased aileron control forces and improper aileron travel, accomplish the following:

A. Within the next 4,800 flight hours after the effective date of this AD or at the next time the aileron control system is disassembled following 90 days after the effective date of this AD, whichever occurs first, install the guards (plates) in the aileron control system, as described in the Accomplishment Instructions of Shorts Service Bulletin No. SD360-27-09, Revision No. 3, dated November 1986.

B. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM-113, FAA, Northwest Mountain Region.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of the modifications required by this AD.

All persons affected by this directive who have not already received the appropriate service document from the manufacturer may obtain copies upon request to Short Brothers, 2011 Crystal Drive, Suite 713, Arlington, Virginia 22202-3702. This document may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective February 16, 1988.

Issued in Seattle, Washington, on December 21, 1987.

Wayne J. Barlow,

Director, Northwest Mountain Region.

[FR Doc. 87-30137 Filed 12-31-87; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 87-NM-111-AD; Amdt. 39-5819]

Airworthiness Directives; Shorts Model SD3-60 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all Shorts Model SD3-60 series airplanes, which requires inspection of interference bushings for looseness in each of four fittings on the rear fuselage used for attachment of the horizontal stabilizer. This amendment is prompted by a report of an interference fit bushing that was found to be loose in its fitting on the forward right stabilizer attachment located on the rear fuselage cant frame. This condition, if not corrected, could lead to failure of the horizontal stabilizer attachment fittings.

EFFECTIVE DATE: February 16, 1988.

ADDRESSES: The applicable service information may be obtained from Short Brothers PLC, 2011 Crystal Drive, Suite 713, Arlington, Virginia 22202-3702. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Bob Huhn, Standardization Branch, ANM-113; telephone (206) 431-1967. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive which requires inspection and replacement, if necessary, of the horizontal stabilizer attachment fittings on Shorts Model SD3-60 series airplanes, was published in the **Federal Register** on October 8, 1987 (52 FR 37624).

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received in response to the proposal.

After careful review of the available data, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

It is estimated that 66 airplanes of U.S. registry will be affected by this AD, that it will take approximately 4 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. Based on these figures, the total cost impact of the AD to U.S. operators is estimated to be $10,560.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities, because of the minimal cost of compliance per airplane ($160). A final evaluation has been prepared for this regulation and has been placed in the docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

Short Brothers: Applies to Model SD3-60 series airplanes, as listed in Shorts Service Bulletin Number SD360-55-10, dated November 1985, certificated in any category. Compliance required as indicated, unless previously accomplished.

To preclude failure of the horizontal stabilizer attach fittings, accomplish the following:

A. Within the next 3 months after the effective date of this AD, inspect the interference fit bushings in each of the four horizontal stabilizer attach fittings in accordance with Shorts Service Bulletin Number SD360-55-10, dated November 1985.

B. If the bushing is found to be loose in its fitting and the movement exceeds 0.005 inches, replace the fitting before further flight.

C. If the bushing is found to be loose in its fitting and the movement does not exceed

0.005 inches, replace the fitting within the next 60 days.

D. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM-113, FAA, Northwest Mountain Region.

E. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of the modifications required by this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Short Brothers PLC, 2011 Crystal Drive, Suite 713, Arlington, Virginia 22202-3702. These documents may be examined at FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective February 16, 1988.

Issued in Seattle, Washington, on December 21, 1987.

Wayne J. Barlow,

Director, Northwest Mountain Region.

[FR Doc. 87-30135 Filed 12-31-87; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM86-7-001, et al. Order No. 473-A]

Compression Allowances and Protest Procedures Under NGPA Section 110

Issued: December 29, 1987.

AGENCY: Federal Energy Regulatory Commission DOE.

ACTION: Order on rehearing.

SUMMARY: On June 3, 1987, the Federal Energy Regulatory Commission (Commission) issued a final rule amending its regulations governing compression allowance and protest procedures under section 110 of the Natural Gas Policy Act of 1978. In that rule, the Commission allowed first sellers to recover under NGPA section 110 the fuel or power costs incurred to drive compressors constructed prior to the enactment of the NGPA. The Commission also provided parties an opportunity to protest allowance of delivery of natural gas previously presumed authorized by area rate clauses natural gas contracts. This order grants rehearing to provide protest procedures for all sellers to obtain compression allowance and to provide several clarifications of the final rule.

EFFECTIVE DATE: This rule is effective March 4, 1988.

FOR FURTHER INFORMATION CONTACT: Julia Lake White, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, (202) 357-8530.

SUPPLEMENTARY INFORMATION:

Order on Rehearing

Before Commissioners: Martha O. Hesse, Chairman; Anthony G. Sousa, Charles G. Stalon, Charles A. Trabandt and C. M. Naeve.

I. Introduction

On June 3, 1987, the Federal Energy Regulatory Commission (Commission) issued a final rule amending its regulations governing compression allowances and protest procedures under section 110 of the Natural Gas Policy Act of 1978 [1] (NGPA) in response to the mandate of the United States Court of Appeals for the Fifth Circuit in *Texas Eastern Transmission Corporation v. FERC* (*Texas Eastern*).[2] In that rule, the Commission allowed first sellers to recover under NGPA section 110 the fuel or power costs incurred to drive compressors constructed prior to the enactment of the NGPA. The Commission also provided parties an opportunity to protest allowances for delivery of natural gas previously presumed authorized by area rate clauses in natural gas contracts. This order grants rehearing of Order No. 473 to provide protest procedures for all sellers to obtain compression allowances and to provide several clarifications of the final rule.

II. Background

Section 110 of the NGPA allows first sellers of natural gas to recover certain production-related costs (*i.e.*, costs associated with compressing, gathering, processing, treating, liquefying or transporting or other similar costs borne by the first seller) without exceeding the maximum lawful price applicable to those first sales that are subject to Commission regulation. The United States Court of Appeals for the Fifth Circuit substantially affirmed the Commission's implementation of NGPA section 110 in Order No. 94-A [3] in *Texas Eastern*. However, it instructed the Commission to amend these regulations to allow a first seller with a pre-NGPA compressor, that is a compression facility construction of which commenced before enactment of the NGPA, to collect a compression allowance for the cost of fuel or power required to drive the compressor from the same date and to the same extent such costs are recoverable for a post-NGPA compression facility. Additionally, the court directed the Commission to provide a protest procedure, modeled on the procedures established in Order No. 23-B, [4] allowing interested persons an opportunity to show that the intent of the parties with respect to certain area rate clauses is inconsistent with the presumptions of Order No. 94-A. After notice and comment, the Commission issued a final rule responding to the court's mandate.[5]

III. Discussion

No one requested rehearing of that portion of the rule that allowed pre-NGPA compression facilities to recover fuel and power costs to the same extent that post-NGPA compression facilities can recover these costs. The Commission did receive five requests for rehearing and clarification of other portions of Order No. 473.[6] As discussed

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[1] 15 U.S.C. 3320 (1982).

[2] 769 F. 2d 1053 (5th Cir. 1985), *cert. denied*, 106 S. Ct. 1967 (1986).

[3] Regulations Implementing Section 110 of the Natural Gas Policy Act of 1978 and Establishing Policy under the Natural Gas Act, 48 FR 5152 (Feb. 3, 1983), FERC Stats. & Regs. [Regulations Preambles 1982-1985] ¶ 30,419 (Jan. 24, 1983).

[4] Final Regulations Amending and Clarifying Regulations Under the Natural Gas Policy Act and the Natural Gas Act, Order No. 23, 44 FR 16895 (Mar. 20, 1979); FERC Stats. & Regs. [Regulations Preambles 1971-1981] ¶ 30,040; Order No. 23-A, 44 FR 34472 (June 15, 1979), FERC Stats. & Regs. [Regulations Preambles 1977-1981] ¶ 30,058; Order Adopting Final Regulations Establishing Protest Procedures Regarding Blanket Affidavit Filings and Interim and Retroactive Collection Filings, Order No. 23-B, 44 FR 38834 (July 3, 1979), FERC Stats. & Regs. [Regulations Preambles 1977-1981] ¶ 30,065 (June 21, 1979), *reh'g denied and modifying*, 44 FR 48174 (Aug. 17, 1979), FERC Stats. & Regs. [Regulations Preambles 1977-1981] ¶ 30,073 (1979).

[5] Order No. 473, 52 FR 21660 (June 8, 1987), III FERC Stats. & Regs. ¶ 30,747 (June 3, 1987), and 52 FR 23030 (June 17, 1987), III FERC Stats. & Regs. ¶ 30,749 (June 11, 1987) (codified at 18 CFR 271.1104 (1987)).

[6] Louisiana Intrastate Gas Corporation (LIG), Indicated Producers (Producers), Columbia Gas Transmission Corporation (Columbia Gas), Mountain Fuel Resources, Inc. (Mountain Fuel) and Southern Union Company.

more fully below, the Commission is granting rehearing in part, denying rehearing in part, and providing clarification of Order No. 473.

A. Request for Rehearing

In Order No. 473, the Commission established protest procedures to provide interested persons an opportunity to challenge the presumption that a delivery allowance was intended to be authorized by an area rate clause in a gas contract. The protest procedures for delivery allowances in Order No. 473 apply only to interstate pipelines and to all categories of gas except intrastate gas in NGPA sections 105 and 106(b).[7] Modeled on the protest procedures provided in Order No. 23–B, the Commission's regulations established in the final rule require interstate pipelines to file information on every first seller that sells gas to the pipeline and that asserts contractual authority to collect delivery allowances pursuant to any area rate clause.[8] Under the regulations, the Commission publishes these lists in the **Federal Register** at which time parties have 90 days to file any protests which will in turn be noticed in the **Federal Register**. The Commission then transmits the protests to the Chief Administrative Law Judge for a hearing or summary disposition.

Producers seek three modifications to the protest procedures. First, Producers argue that the Commission must permit producers, in appropriate cases, to show that area rate clauses authorize compression, as well as delivery allowances. Second, Producers argue that these protest procedures apply prospectively only and must be limited to gas subject to the Commission's Natural Gas Act jurisdiction. Finally, Producers argue that the Commission must permit the collection of interest on all power and fuel allowances.

The Commission continues to believe that, as a general rule, area rate clauses in gas contracts entered into prior to the NGPA can demonstrate the parties' mutual intent to allow for collecting only delivery costs. As the Commission explained in Order No. 94, and as upheld by the Fifth Circuit in *Texas Eastern*, when the Commission initially established its regulations for recovery of production-related costs pursuant to NGPA section 110, it determined that NGA production-related costs should only be recovered in limited circumstances. Hence, production-related cost should be collected to the extent they were already being recovered in contracts entered into prior to the enactment of the NGPA or, to the extent the parties expressly provided for recovery of these costs, in contracts entered into after the enactment of the NGPA. The Commission historically did not allow sellers to recover compression allowances as a production-related cost under area or national rates in effect prior to the enactment of the NGPA.[9]

While the Commission believes that in light of past Commission practice it will be difficult to show that an area rate clause was intended to authorize compression allowances, the regulations have been revised to allow first sellers and any others the opportunity to make this showing under the protest procedures established in Order No. 473, as sought by Producers.[10] Interested persons will have 30 days from the effective date of this order on rehearing to make their filing. Under these procedures, the protesters must submit information to show that the contracting parties intended an area rate clause to authorize recovery of compression allowances as a production-related cost. The first seller or other party initiating the proceeding has the burden of going forward with evidence of contractual intent that an area rate clause authorizes collection of a compression allowance.[11] In addition, the standard for avoiding summary disposition is similar to the standard established for protests concerning delivery allowances. Specifically, in order to rebut the presumption of noncollectibility and avoid summary dismissal, a protest must be supported by: (1) Contract language which causes a reasonable person to intrepet the contract as intending to provide for the collection of the production-related cost of compression, or (2) reliable and probative extrinsic evidence specifically showing that interpretation and dispositive against the presumption disfavoring that interpretation.

The Commission is not persuaded by Producers' attempts to narrow the categories of gas sales which can be challenged by aggrieved parties pursuant to the protest procedures implemented by the Commission in Order No. 473. In the Producers' view, the Commission can only make the NGPA section 110 protest procedures applicable to gas that is subject to Commission jurisdiction under the Natural Gas Act. Producers note that the primary gas categories sought to be covered by the new protest procedures are no longer subject to the Commission's Natural Gas Act jurisdiction. Producers conclude that, for gas sales from and after the effective date of Order No. 473, the scope of application of the protest procedures is moot, since production-related allowances can apply only to the NGA gas which is still subject to Commission jurisdiction. Moreover, Producers argue that the Commission may not without advance notice lawfully apply a broadened protest procedure retroactively to deliveries of non-NGA gas delivered prior to the effective date of Order No. 473.

The Commission reads the Fifth Circuit's mandate in *Texas Eastern* as requiring the Commission to have procedures available that will permit parties to challenge the presumption that an area rate clause in a gas contract demonstrates the parties' mutual intent that certain costs are recoverable as production-related costs under NGPA section 110. The Commission does not believe that the Fifth Circuit intended these protest procedures to be applied prospectively only to NGA gas as suggested by Producers since to do so would negate the whole purpose of these procedures. In particular, Order No. 94, which established regulations implementing NGPA section 110 production-related costs, permits the recovery of these costs retroactively—from July 25, 1980, or the date the seller filed an application with the Commission to recover the production-related costs, whichever is earlier.[12] It would be anomalous to conclude that producers could recover these production-related cost retroactively but that the purchasers of the gas could not protest these same collections for this past period. To the extent that there is a question about the charges paid for these production-related costs, the Commission believes that all the parties should, consistent with the Fifth Circuit's decision, have an opportunity to show that the intent of the parties with respect to certain area rate clauses is inconsistent with the Commission's general rules about production-related costs. The Commission concludes,

[7] If intrastate pipelines and their first sellers are involved in any dispute about the terms of intrastate contracts, the Commission believes these disputes should be resolved in state courts.

[8] *See* 18 CFR 271.1104(h) (1987).

[9] *See* Interim Rules, FERC Stats. & Regs. [Regulations Preambles 1982–1985] ¶ 30,420 at 30,399; Order No. 94–A, FERC Stats. & Regs. [Regulations Preambles 1983–1985] ¶ 30,419 at 30,368.

[10] The Commission therefore amends § 271.1104 to provide that first sellers and any others can use the protest procedures to show that the parties to a contract with an area rate clause mutually intended to permit collection of compression allowances.

[11] For discussion of the effects of overcoming the presumption *See* Order 473, 52 FR 21663–64 (June 8, 1987).

[12] *See* 18 CFR 271.1104(e) (1987).

therefore, that the Fifth Circuit's mandate in *Texas Eastern* requires the Commission to make these protest procedures applicable to gas categories to the same extent that the Order No. 94 production-related cost procedures have been applicable.

Finally, Producers argue that the Commission must allow the collection of interest on power and fuel allowances even when natural gas contracts are silent on the issue of collection of interest. In Order No. 473, the Commission provided that only those natural gas contracts which specifically allow for the collection of interest can collect this interest in addition to the authorized production-related costs. The Fifth Circuit in *Texas Eastern* mandated that the Commission treat the recovery of fuel and power costs for pre-NGPA compression facilities to the same extent and retroactive to the same date as such compression costs had been treated with respect to post-NGPA compression facilities. When the Commission initially established its regulations for collection of production-related costs in the Order No. 94 series, it specifically provided that interest may be collected only if the contract expressly provides for the collection of interest.[13] The Fifth Circuit explicitly affirmed this in *Texas Eastern*. In implementing the Fifth Circuit's mandate in *Texas Eastern*, the Commission is simply allowing the collection of fuel and power costs and the interest on these amounts for pre-NGPA compression facilities to the same extent as these costs have been allowed for post-NGPA compression facilities. The Commission notes that this policy is not only consistent with Order No. 94, but also consistent with the Commission's policy authorizing collection of interest only if specifically authorized in Commission's regulations or the applicable contract.[14] The Commission, therefore, denies Producers' request for rehearing on interest.

B. Requests for Clarification

Applicants request five clarifications of Order No. 473. First, the Commission provided in Order No. 473 that compression at the pre-NGPA gas compression facility must meet a 3.5 to 1 ratio (of the outlet pressure of the last stage of compression to the inlet pressure of the first stage of compression) in order to recover power and fuel costs associated with production-related compression.[15]

The Commission agrees with Producers that this provision was unnecessary. As Producers point out, power and fuel costs can be collected by compression facilities with compression less than the 3.5 to 1 ratio. The 3.5 to 1 ratio defines the maximum amounts of compression allowance which can be collected by facilities with multiple stages of compression. Because all compression facilities are allowed to collect power and fuel costs no matter what the compression ratio, the Commission revokes the 3.5 to 1 ratio clarification it provided in Order No. 473.[16]

Second, the Commission agrees with Louisiana Intrastate Gas Corporation that first sellers of intrastate gas under NGPA sections 105 and 106(b) can only receive production-related costs for pre-NGPA compression facilities from March 7, 1983 forward, because prior to March 7, 1983, the effective date of Order Nos. 94–A and B, sellers of gas qualifying under NGPA section 105 and 106(b) were not permitted to collect compression and delivery allowances. The confusion arises because Order No. 473 provided that fuel and power cost amounts owed for pre-NGPA compression facilities may be collected retroactively from August 10, 1987 (the date the Fifth Circuit issued its decision in *Texas Eastern*) to July 25, 1980 (the date the Commission implemented its final regulations for NGPA section 110 production-related costs in Order No. 94), or any earlier date on which the seller filed an application with the Commission to recover NGPA section 110 production-related costs.[17] However, the Commission does not intend this statement to apply to intrastate gas subject to NGPA sections 105 and 106(b), since § 271.1104(e) of the Commission's regulations[18] prohibits retroactive collections for delivery or compression costs for intrastate gas subject to NGPA sections 105 and 106(b) prior to March 7, 1983.

Prior to March 7, 1983, the effective date of the Commission's Order No. 94–B, sellers of intrastate gas subject to NGPA sections 105 and 106(b) were not permitted to collect production-related costs. In Order No. 94–B,[19] the Commission amended its regulations to provide for the first time that those selling natural gas priced under sections 105 and 106(b) of the NGPA may collect production-related costs pursuant to NGPA section 110 prospectively only from March 7, 1983, the effective date of Order No. 94–B. The Commission believes it would be inequitable to permit production-related costs from 1980 forward for intrastate gas subject to NGPA sections 105 and 106(b) processed in a pre-NGPA compression facility, when it has only permitted collection of these costs for intrastate gas processed in a post-NGPA compression facility since March 7, 1983.

In order to be consistent with Order No. 94 and to ensure equal treatment of all pre-NGPA and post-NGPA compression, the Commission is amending § 271.1104(d)(1)(iv)(B)(*2*)(*iii*) of its regulations to provide that fuel and power costs for gas subject to NGPA sections 105 and 106(b) may be collected retroactively from August 10, 1987, to March 7, 1983, with interest only if it is expressly authorized by contract.

Third, Columbia Gas asks the Commission to clarify whether the filing requirements in § 271.1104(h) of the Commission's regulations are limited to currently-active contracts for gas sales with clauses providing for NGPA section 110 production-related costs. Pointing out that certain contracts with producer-suppliers have been either terminated, renegotiated or amended so that the producer is not presently claiming, and Columbia Gas is no longer paying, delivery costs pursuant to an area rate clause, Columbia Gas wants to know whether these prior delivery costs should be included in its filing.

The filing requirements in § 271.1104(h) require pipelines to file affidavits listing both present and past producers claiming delivery costs pursuant to area rate clauses. The Commission believes this requirement is necessary, since past payments of delivery costs can still be subject to the protest procedures established pursuant to the Fifth Circuit's mandate in *Texas Eastern* and promulgated in Order No. 473. Additionally, the Commission notes that, even though certain natural gas NGPA categories are no longer subject to the Commission's jurisdiction, including any production-related costs, pipelines are expected to include a list of the producers from which they purchase that gas in their affidavits,

[13] *See* Order No. 94–A, 48 FR 5152 (Feb. 3, 1983) FERC Stats. & Regs. [Regulations Preambles 1982–1985] ¶ 30,419 at 30,368 (Jan. 24, 1983). *See also* Order No. 94–C, 48 FR 24039 (May 31, 1983). FERC Stats. and Regs. [Regulations Preambles 1982–1985] ¶ 30,454 at 30,477 (May 24, 1983).

[14] *See, e.g.*, retroactive collection after final determination that gas sale qualifies for NGPA maximum lawful price sales category, 18 CFR 273.204(c)(5) (1987).

[15] 52 FR 21662, III FERC Stats. & Regs. at 30,675.

[16] *See* Delivery Allowances Under Section 110 of the Natural Gas Policy Act of 1978 and Compression Allowances Under section 110 of the Natural Gas Policy Act of 1978, Interim Rule, 48 FR 5180 (Feb. 3, 1983); FERC Stats. & Regs. [Regulations Preambles 1982–1985] ¶ 30,420 at 30,400–402 (Jan. 24, 1983).

[17] 18 CFR 271.1104(d)(1)(iv)(B)(*2*)(*iii*) (1987).

[18] 18 CFR 271.1104(e) (1987).

[19] 48 FR 5190 (Feb. 3, 1983); FERC Stats. & Regs. ¶ 30,421 (Jan. 24, 1983).

along with the delivery allowances that are claimed pursuant to area rate clauses for past periods. These requirements are necessary in order to provide potential protestors with a comprehensive record of contracts containing area rate clauses and any other production-related provisions which might be the subject of the Order No. 473 protest procedures.

Fourth, Mountain Fuel Resources (Mountain Fuel) seeks clarification of the Commission's filing procedures in § 271.1104(h). When Mountain Fuel submitted its filing on producers and their production-related claims on September 8, 1987, it only included the pricing portions of its contracts, rather than including the contracts in their entirety. Additionally, Mountain Fuel did not include information on producers with production-related claims that have been formally settled. Mountain Fuel requests the Commission to clarify whether pipelines must submit entire contracts with their affidavits filed pursuant to § 271.1104(h) of the Commission's regulations, and whether claims that have been settled should be included also.

The Commission needs only those portions of the pipeline's contracts that specify production-related costs, the categories of gas involved, any other provisions that might affect the collection of production-related costs and any area rate clause provisions. Additionally, the Commission expects pipelines to file information on those producers and contracts if contract settlements contain a specific provision for resolving the amount of production-related costs. If a pipeline's settlement does not include production-related costs as part of the settlement, pipelines need not file the settlement.

Finally, the Commission agrees with Southern Union Company that neither the protest procedures nor the area rate clause presumption applies to intrastate pipelines even if the relevant gas falls under NGPA sections other than sections 105 and 106(b). The Commission believes that intrastate contract disputes are best handled in state or Federal courts, even though the Commission may have concurrent jurisdiction.[20]

The Commission notes that a number of pipelines have already filed affidavits in compliance with the regulations promulgated in Order No. 473. The Commission will grant reasonable requests for extension of time needed to correct these filings to comply with the clarifications provided in this order on rehearing.

IV. Paperwork Reduction Act and Effective Date

The Paperwork Reduction Act[21] and the Office of Management and Budget's (OMB)[22] regulations require that OMB approve certain information collection requirements imposed by agency rule. The provisions of this order on rehearing have been submitted to OMB for its approval. Interested persons can obtain information on those provisions by contacting the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426 (attention: Ellen Brown, (202) 357-5311). Comments on the provisions of this order on rehearing can be sent to the Office of Information and Regulatory Affairs of OMB, New Executive Office Building, Washington, DC 20503 (attention: Desk Officer for the Federal Energy Regulatory Commission).

This order on rehearing is effective March 4, 1988. In the event OMB has not approved this order, the Commission will issue a notice postponing the effective date.

In consideration of the foregoing, the Commission amends Part 271, Chapter I, Title 18, Code of Federal Regulations as set forth below.

By the Commission.

Lois D. Cashell,

Acting Secretary.

PART 271—CEILING PRICES

1. The authority citation for Part 271 continues to read as follows:

Authority: Natural Gas Act, 15 U.S.C. 717-717W (1982); Department of Energy Organization Act, 42 U.S.C. 7171-7352 (1982); E.O. 12009, 3 CFR 1978 Comp., P. 142; Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432 (1982).

2. In § 271.1104, paragraph (d)(1)(iv)(B)(*2*)(*iii*) is revised to read as follows:

§ 271.1104 Production-related costs.

* * * * *

(d) *Amounts necessary to recover production-related costs.*

(1) *General rule.* * * *

(iv) * * *

(B) * * *

(*2*) * * *

(*iii*) *Retroactivity.* Except for gas subject to Subparts E and F of this part, amounts owed under this paragraph (§ 271.1104 (d)(1)(iv)(B)) may be collected retroactive from August 10, 1987, to July 25, 1980, or any earlier date on which the seller filed an application with the Commission to recover these costs, with interest computed under §§ 154.102(c)(2)(iii) (A) and (B) of this chapter, if interest is expressly authorized by contract. For gas subject to Subparts E and F of this part, amounts owed under the paragraph (§ 271.1104(d)(1)(iv)(B)) may be collected retroactive from August 10, 1987, to March 7, 1983, with interest computed under §§ 154.102(c)(2)(iii) (A) and (B) of this chapter, if interest is expressly authorized by contract.

* * * * *

3. In § 271.1104, paragraphs (h)(1), (h)(4), (h)(5), (h)(6), (h)(7) and (h)(8) are revised to read as follows:

§ 271.1104 Production-related costs.

* * * * *

(h) *Pipeline list submissions and protest procedure.*

(1) *Pipeline filings.* The information required by §§ 271.1104(h) (2) and (3) must be filed with the Commission by September 8, 1987. A pipeline may submit the information required under §§ 271.1104(h) (2) and (3) in any original and supplemental evidentiary submission, purchased gas adjustment, or rate filing with the Commission, or by providing specific references sufficient to locate the data in any of these prior filings.

* * * * *

(4) *Protests.*

(i) *Delivery allowances.* A protest to the delivery allowances claimed on the pipeline submissions filed under paragraph (h)(2) of this section must be submitted to the Commission, within 90 days of the publication in the **Federal Register** of the pipeline list, described in paragraph (h)(3) of this section, referencing the contract which governs the filed-for production-related delivery costs to which the protestant objects. Parties may waive the 90-day filing deadline by written mutual agreement, in furtherance of voluntary settlement of protests. The waiver agreement may not extend further than 180 days from the date the protest would otherwise be due, and must be filed with the Commission to be effective.

(ii) *Compression allowances.* First sellers and third-parties may assert contractual authority to collect compression allowances pursuant to an area rate clause. A protest under this section must be filed by May 3, 1988.

(5) *Contents of protests.* A protest filed under paragraph (h)(4) of this section must:

(i) Specifically identify each contract that is protested;

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[20] *See e.g.* Deregulation and Other Pricing Changes on January 1, 1985, Under the Natural Gas Policy Act, Order No. 406, 49 FR 46874 (Nov. 29, 1984); FERC Stats. & Regs. [Regulations Preambles 1982-1985] ¶ 30,614 at 31,234 (Nov. 16, 1984).

[21] 44 U.S.C. 3501-3520 (1982).

[22] 5 CFR Part 1320 (1987).

(ii) Set forth the text of the contractual provisions which the protestant believes to be:

(A) Inconsistent with the conclusion that the contract authorizes the seller to collect delivery costs and the specific reasons why the protestant believes such inconsistency exists; or

(B) Consistent with the conclusion that the contract authorizes the seller to collect compression allowances and the specific reasons for reaching this conclusion.

(iii) Provide any other evidence which the protestant believes is relevant to the issue of the existence of contractual authorization to collect the production-related costs.

(6) *Protest procedure.* (i) The Commission will publish in the **Federal Register** a notice of a protest filed under paragraph (h)(4) of this section. Any protest must be served by any interested pipeline-purchasers or first sellers, at the same time the protest is submitted to the Commission. Pipeline-purchasers will provide the names and addresses of effected first sellers to any third parties that must make service under this section upon request.

(ii) The Commission will transmit to the Chief Administrative Law Judge:

(A) In disputes concerning delivery allowances, the pipeline protest filing, the protest filed under paragraph (h)(4) of this section and the list of first sellers identified as *not* having contractual authority to collect production-related costs; or

(B) In disputes concerning compression allowances, the first seller protest filing.

(iii) Protests will be set for hearing, unless summary disposition is made of the protest.

(iv) Upon receipt by the Commission of any third-party staff protest, or pipeline protest of first sellers identified as not having contractual authority to collect production-related costs referred to in this section, the seller in the first sale will be joined as a party.

(v) Upon receipt by the Commission of a first seller protest, the pipeline in the first sale will be joined as a party.

(7) *Authority of Chief Administrative Law Judge.* In the case of any proceeding relating to a third party, staff, pipeline protest or first seller protest filed under this section, the Chief Administrative Law Judge is authorized to issue such procedural orders, including orders setting matters for hearing, severing and consolidating proceedings, and certifying questions to the Commission, as he determines necessary or appropriate for the expeditious consideration of such protests. The Chief Administrative Law Judge may, by such order, authorize the Administrative Law Judge to whom a protest is assigned to issue similar procedural orders relating to that protest.

(8) *Rules of practice and procedure.* Part 385 of this chapter (relating to rules of practice) will apply to such third party, staff, first seller and pipeline protest proceedings except to the extent otherwise provided by a procedural order issued by the Chief or Presiding Administrative Law Judge under paragraph (h)(7) of this section. Section 385.715 of this chapter will apply to any procedural order issued under paragraph (h)(7) of this section.

[FR Doc. 87-30163 Filed 12-31-87; 8:45 am]
BILLING CODE 6717-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 81

[Docket No. 76N-0366]

Provisional Listing of D&C Red No. 33 and D&C Red No. 36; Postponement of Closing Date

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is postponing the closing date for the provisional listing of D&C Red No. 33 and D&C Red No. 36 for use as color additives in drugs and cosmetics. The new closing date will be March 4, 1988. FDA has decided that this brief postponement is necessary to provide time for the preparation of documents that will explain the bases for the agency's decisions concerning the conditions under which these color additives may be safely used.

EFFECTIVE DATE: Effective January 4, 1988, the new closing date for D&C Red No. 33 and D&C Red No. 36 will be March 4, 1988.

FOR FURTHER INFORMATION CONTACT: Gerad L. McCowin, Center for Food Safety and Applied Nutrition (HFF-330), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5676.

SUPPLEMENTARY INFORMATION: FDA established the current closing date of January 4, 1988, for the provisional listing of D&C Red No. 33 and D&C Red No. 36 by regulation published in the **Federal Register** of November 3, 1987 (52 FR 42097). FDA extended the closing date for these color additives until January 4, 1988, to provide time for completion of the agency's review and evaluation of the data concerning the drug and cosmetic uses of these color additives, and for publication of a regulation in the **Federal Register** regarding the agency's final decision on the petitions for the permanent listing of these color additives. The regulation set forth below will postpone the January 4, 1988, closing date for the provisional listing of these color additives until March 4, 1988.

FDA has nearly completed its review and evaluation of available information relevant to the use of these color additives in drugs and cosmetics. The agency has concluded that drug and cosmetic uses of D&C Red No. 33 and D&C Red No. 36 are safe. Thus, the agency has decided to permanently list the color additives for these uses. New certification specifications are also being developed for these color additives.

The agency has not yet completed documents fully describing the bases for each of these decisions and setting forth detailed conditions for use. Therefore, FDA believes that it is reasonable to postpone the closing date for these color additives until March 4, 1988, to provide time for the preparation and publication of appropriate **Federal Register** documents. The agency intends to publish these documents as soon as possible. FDA concludes that this short extension is consistent with the public health and the standards set forth for continuation of provisional listing in *McIlwain* v. *Hayes*, 690 F.2d 1041 (D.C. Cir. 1982).

The extension of time will also be used to consider what effect, if any, the recent decision in *Public Citizen* v. *Young* (D.C. Cir. No. 86-1548, October 23, 1987), has on this proceeding.

Because of the shortness of time until the January 4, 1988, closing date, FDA concludes that notice and public procedure on this regulation are impracticable and that good cause exists for issuing the postponement as a final rule and for an effective date of January 4, 1988. This regulation will permit the uninterrupted use of these color additives until further action is taken. In accordance with 5 U.S.C. 553 (b) and (d) (1) and (3), this postponement is issued as a final regulation, effective on January 4, 1988.

List of Subjects in 21 CFR Part 81

Color additives, Cosmetics, Drugs.

Therefore, under the Transitional Provisions of the Color Additive Amendments of 1960 to the Federal Food, Drug, and Cosmetic Act and under

authority delegated to the Commissioner of Food and Drugs, Part 81 is amended as follows:

PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOODS, DRUGS, AND COSMETICS

1. The authority citation for 21 CFR Part 81 continues to read as follows:

Authority: Secs. 701, 706, 52 Stat. 1055–1056 as amended, 74 Stat. 399–407 as amended (21 U.S.C. 371, 376); Title II, Pub. L. 86–618; sec. 203, 74 Stat. 404–407 (21 U.S.C. 376, note); 21 CFR 5.10.

§ 81.1 [Amended]

2. In § 81.1 *Provisional lists of color additives* by revising the closing dates for "D&C Red No. 33" and "D&C Red No. 36" appearing in the table in paragraph (b) to read "March 4, 1988."

§ 81.27 [Amended]

3. In § 81.27 *Conditions of provisional listing* by revising the closing dates for "D&C Red No. 33" and "D&C Red No. 36" in the table, appearing in the introductory text in paragraph (d) to read "March 4, 1988."

Dated: December 18, 1987.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 87–30018 Filed 12–31–87; 8:45 am]

BILLING CODE 4160–01–M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Parts 193 and 561

[FAP 7H5523/R912; FRL 3309–4]

Pesticide Tolerances for Myclobutanil

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a food and a feed additive regulation to permit the combined residues of the fungicide myclobutanil (alpha-butyl-alpha-(4-chlorophenyl)-1*H*-1,2,4-triazole-1-propanenitrile) and its metabolites containing both the chlorophenyl and triazole rings in or on certain food and feed items. This regulation to establish maximum permissible levels for combined residues of myclobutanil was requested by the Rohm & Haas Co. to permit marketing of feed and food commodities resulting from experimental use of the fungicide on apples and grapes.

EFFECTIVE DATE: Effective on September 11, 1987. These temporary tolerances expire on February 28, 1988.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A–110), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: By mail:

Lois A. Rossi, Product Manager (PM) 21, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Rm. 227, CM 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703)–557–1900.

SUPPLEMENTARY INFORMATION: On October 31, 1986, Rohm & Haas Co., Independence Mall West, Philadelphia, PA 19105, submitted a food/feed additive petition (FAP 7H5523) proposing to establish food/feed additive regulations for the combined residues of the fungicide myclobutanil and its metabolites in or on apple pomace (wet) at 1.0 part per million (ppm), apple pomace (dry) at 5.0 ppm, grape pomace (wet) at 1.0 ppm, grape pomace (dry) and raisins at 5.0 ppm, and raisin waste at 12.5 ppm. EPA issued a notice of the petition in the **Federal Register** of January 29, 1987 (52 FR 2969). Subsequently, the petitioner amended its petition by withdrawing the proposals for tolerances in apple pomace (wet and dry) and grape pomace (wet and dry) and proposed tolerances in or on apple pomace and grape pomace at 5.0 ppm.

These food/feed additive regulations are being established to permit processing of apples and grapes which have been treated in connection with EPA Experimental Use Permit No. 707–EUP–105, published in the **Federal Register** of April 9, 1986 (51 FR 12200). These temporary tolerances expire on February 28, 1988.

The scientific data reported and other relevant material have been evaluated. The toxicological data considered in support of these regulations include a 13-week dog feeding study with a no-observed effect level (NOEL) of 0.3 mg/kg body weight/day (mg/kg/day); a 1-year dog feeding study with a NOEL of 2.5 mg/kg/day (preliminary results); a 90-day rat feeding study with a NOEL of 50 mg/kg/day; a two-generation reproduction study with a NOEL of 16 mg/kg/day for reproductive effects and a NOEL of 4 mg/kg/day for systemic effects; a rat teratology study with a NOEL for maternal toxicity of 313 mg/kg/day, a NOEL of 469 mg/kg/day (highest dose tested) for teratogenic effects, a NOEL of 94 mg/kg/day for fetotoxic effects, and a NOEL of 31 mg/kg/day for embryotoxic effects (developmental toxicity); a reverse mutation assay (Ames), point mutation in CHO/HGPRT cells, *in vivo* cytogenetic assay and unscheduled DNA synthesis, all of which were negative for mutagenic effects.

Based on the subchronic dog feeding study with a NOEL of 0.3 mg/kg/day and using a 1,000 fold safety factor the provisional acceptable daily intake (PADI) is 0.0003 mg/kg/day and the provisional maximum permissible intake (PMPI) is 0.018 mg/day for a 60-kg person. Presently established temporary tolerances and the currently requested tolerances, factored for the percent of crop treated, result in an anticipated residue contribution (ARC) of 0.000004 mg/kg/day, which is equivalent to 1.18 percent of the PADI.

The nature of the residues is adequately understood, and an adequate analytical method, gas-liquid chromatography using nitrogen/phosphorous and electron capture detectors, is available for enforcement purposes.

Based on the information considered, the Agency concludes that the pesticide can be safely used in the prescribed manner when such use is in accordance with the label and labeling accepted in connection with the experimental use permit issued pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (86 Stat. 973, 7 U.S.C. 136 *et seq.*), and the regulations are established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new food and feed additive levels, or conditions for safe use of additives, or raising such food and feed additive levels do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was

published in the Federal Register of May 4, 1981 (46 FR 24945).

List of Subjects in 21 CFR Parts 193 and 561

Food additives, Animal feeds, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: September 11, 1987.

Susan H. Wayland,

Acting Director, Office of Pesticide Programs.

Therefore, 21 CFR Chapter I is amended as follows:

PART 193—[AMENDED]

1. In Part 193:

a. The authority citation for Part 193 continues to read as follows:

Authority: 21 U.S.C. 348.

b. By adding new § 193.477, to read as follows:

§ 193.477 Myclobutanil.

A food additive regulation is established to permit residues of the fungicide myclobutanil (alpha-butyl-alpha(4-chlorophenyl)-1*H*-1,2,4-triazole-1-propanenitrile) in or on raisins at 5 parts per million when present therein as a result of application to grapes in connection with an experimental use program which expires February 28, 1988.

PART 561—[AMENDED]

2. In Part 561:

a. The authority citation for Part 561 continues to read as follows:

Authority: 21 U.S.C. 348.

b. By adding § 561.443, to read as follows:

§ 561.443 Myclobutanil.

A feed additive regulation is established to permit residues of the fungicide myclobutanil (alpha-butyl-alpha(4-chlorophenyl)-1*H*-1,2,4-triazole-1-propanenitrile) in or on the following processed feeds when present therein as a result of application to grapes and apples in connection with an experimental use program which expires February 28, 1988:

Feeds	Parts per million
Apple pomace	5.0
Grape pomace	5.0
Raisin waste	12.5

This regulation expires on February 28, 1988.

[FR Doc. 87-29874 Filed 12-31-87; 8:45 am]

BILLING CODE 6560-50-M

VETERANS ADMINISTRATION

38 CFR Part 4

Nomenclature and Descriptive Terms for Mental Disorders

AGENCY: Veterans Administration.

ACTION: Final rule.

SUMMARY: The Diagnostic and Statistical Manual of Mental Disorders, Third Edition (DSM-III), changed the terminology for many mental disorders. The Veterans Administration (VA) has amended its regulations to conform with the diagnostic terms in DSM-III.

EFFECTIVE DATE: These rules are effective February 3, 1988.

FOR FURTHER INFORMATION CONTACT: Robert M. White, Chief, Regulations Staff, Compensation and Pension Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 357-6405.

SUPPLEMENTARY INFORMATION: On pages 16350 through 16353 of the Federal Register of May 2, 1986, the VA published proposed amendments to Title 38, Code of Federal Regulations, on the rating of mental disorders. Interested persons were given until June 2, 1986, to submit comments, suggestions or objections to the proposed rules.

The VA received comments on the proposed rules from the Chairman of the House Veterans' Affairs Committee, the American Psychiatric Association, Veterans of Foreign Wars of the United States, and Paralyzed Veterans of America.

The comments and recommendations with respect to each proposed amendment have been summarized and are set forth below together with the actions and/or responses of the VA.

Comments and Recommendations

Section 4.130 Evaluation of psychiatric disability.

One commenter recommended that the proposed revision contain a categoric statement that where psychiatric disability is the cause of unemployability, a 100 percent schedular evaluation will be assigned under the appropriate diagnostic code without resort to § 4.16 (Total disability ratings for compensation based on unemployability of the individual). The commenter stated that this would resolve confusion in decisions on claims for individual unemployability based on psychiatric disability.

We agree that a 100 percent schedular evaluation should be assigned where psychiatric disability evaluated as 70 percent disabling is the cause of unemployability and that has been our stated policy. Furthermore, the criteria for a 100 percent schedular evaluation under any of the categories of mental disorders are and have been total social and industrial inadaptability. Although we agree, we believe it is better to do so in § 4.16 so that the exception is a part of the appropriate regulation. Such a change to § 4.16 is contained in a regulation amendment currently under development. We have, however, added a cross-reference to § 4.16 in this section.

Section 4.132 Schedule of ratings—mental disorders.

Two commenters objected to the proposed changes in the adjectives used to describe the various levels of psychiatric disability on the basis they might be interpreted as establishing more stringent requirements for the levels of disability. Both objected to the term "extensive" to describe a 50 percent disability. One objected to the term "definite" to describe a 30 percent disability. The other objected to changing "complete" to "total," "slight" to "mild," and "considerable" to "definite."

As was explained in the proposed rules, the uniform use of descriptive adjectives is not intended to increase or reduce evaluations of mental disorders, but is designed to reflect consistency in describing social and industrial impairment in each of the categories of mental disorders.

We agree with the objections regarding the term "extensive." Accordingly, we have changed the criteria for the 50 percent evaluation under psychotic disorders, organic mental disorders, and psychoneurotic disorders to use the term "considerable" which is the current descriptive term for that disability level for two of the three categories of mental disorders cited above. We are retaining the term "definite" to describe the 30 percent evaluation as it is the current descriptive term for that level of disability for two of the three categories of mental disorders cited above, and a change is not deemed necessary. We are retaining the proposed term "total" to describe the 100 percent evaluation as that term is well understood and is used in the statute describing the level of disability (38 U.S.C. 314(j)). We are retaining the proposed term "mild" to describe a 10 percent disability as we believe it more adequately describes that level of disability.

One commenter noted that the proposed rules regarding psychological

factors affecting physical conditions failed to include a basis for evaluation. When the proposed rules were printed in the **Federal Register**, a sentence was omitted. That sentence, which is being printed in the final rule, is part of the current section which provides that such disabilities will be evaluated by the general rating formula for psychoneurotic disorders. This sentence was not changed and is included in the final rule to correct a printing error.

One commenter pointed out that our proposed rule includes major depression without melancholia under diagnostic code 9405 as a psychoneurotic disorder but that it is an affective disorder and classified under psychotic disorders. Following consideration of pertinent sections of DSM–III, DSM–III–R Second Draft, International Classification of Diseases (ICD)–9–CM, several current psychiatric textbooks, discussion with a senior consultant to the DSM–III/DSM–III–R projects and with staff members, the Chief Medical Director concluded that it is appropriate to include major depression without melancholia as a psychoneurotic disorder.

One commenter suggested that the proposed rules are inadequate without a separate listing for substance use disorders (as they are recognized in DSM–III) and that it is important that the VA formally recognize the significant and serious problem of these disorders and adjudicate claims for service connection based on these disabilities.

The VA considers substance abuse in and of itself to be willful misconduct. However, organic diseases and disabilities which are secondary to substance abuse are not considered to be willful misconduct. When substance abuse is a manisfestation of a psychiatric disorder, the VA includes it as part of such disorder. As the VA cannot separately rate substance abuse disorders, it would serve no useful purpose to include them in the final rules.

We appreciate the comments and suggestions of those who responded to publication of the proposed rules. The proposed rules are, therefore, adopted with the amendments noted above and minor conforming amendments of a technical nature. The final rules are set forth below.

The Administrator hereby certifies that these final regulations will not have a significant impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. The reason for this certification is that this final rule changes certain terminology used in the schedule under which the VA rates or evaluates the disabilities of individual veterans. These final rules are in no way directed toward, and impose no regulatory burdens upon, small entities. Therefore, pursuant to 5 U.S.C. 605(b), this final rule is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

In accordance with Executive Order 12291, Federal Regulation, the VA has determined that this final rule is nonmajor for the following reasons:

(1) It will not have an effect on the economy of $100 million or more.

(2) It will not cause a major increase in costs or prices.

(3) It will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

(The Catalog of Federal Domestic Assistance Program numbers are 64.104, 64.109 and 64.110)

List of Subjects in 38 CFR Part 4

Handicapped, Pensions, Veterans.

Approved: December 15, 1987.

Thomas K. Turnage,

Administrator.

PART 4—[AMENDED]

38 CFR Part 4, SCHEDULE FOR RATING DISABILITIES, is amended as follows:

1. Section 4.125 is revised to read as follows:

§ 4.125 General considerations.

The field of mental disorders represents the greatest possible variety of etiology, chronicity and disabling effects, and requires differential consideration in these respects. These sections under mental disorders are concerned with the rating of psychiatric conditions, specifically psychotic and psychoneurotic disorders and psychological factors affecting physical conditions as well as organic mental disorders. Advances in modern psychiatry during and since World War II have been rapid and profound and have extended to the entire medical profession a better understanding of and deeper insight into the etiological factors, psychodynamics, and psychopathological changes which occur in mental disease and emotional disturbances. The psychiatric nomenclature employed is based upon the Diagnostic and Statistical Manual of Mental Disorders, Third Edition (DSM–III), American Psychiatric Association. This nomenclature has been adopted by the Department of Medicine and Surgery of the Veterans Administration. It limits itself to the classification of disturbances of mental functioning. To comply with the fundamental requirements for rating psychiatric conditions, it is imperative that rating personnel familiarize themselves thoroughly with this manual (American Psychiatric Association Manual, 1980 Edition) which will be hereinafter referred to as the APA manual.

(Authority: 38 U.S.C. 210(c); 38 U.S.C. 355)

2. Section 4.126 is revised to read as follows:

§ 4.126 Substantiation of diagnosis.

It must be established first that a true mental disorder exists. The disorder will be diagnosed in accordance with the APA manual. A diagnosis not in accord with this manual is not acceptable for rating purposes and will be returned through channels to the examiner. Normal reactions of discouragement, anxiety, depression, and self-concern in the presence of physical disability, dissatisfaction with work environment, difficulties in securing employment, etc., must not be accepted by the rating board as indicative of psychoneurosis. Moreover, mere failure of social or industrial adjustment or the presence of numerous complaints should not, in the absence of definite symptomatology typical of a psychoneurotic or psychological factor affecting physical condition, become the acceptable basis of a diagnosis in this field. It is the responsibility of rating boards to accept or reject diagnoses shown on reports of examination. If a diagnosis is not supported by the findings shown on the examination report, it is incumbent upon the board to return the report for clarification.

(Authority: 38 U.S.C. 210(c); 38 U.S.C. 355)

3. Section 4.127 is revised to read as follows:

§ 4.127 Mental deficiency and personality disorders.

Mental deficiency and personality disorders will not be considered as disabilities under the terms of the schedule. Attention is directed to the outline of personality disorders in the APA manual. Formal psychometric tests are essential in the diagnosis of mental deficiency. Brief emotional outbursts or periods of confusion are not unusual in mental deficiency or personality disorders and are not acceptable as the basis for a diagnosis of psychotic disorder. However, properly diagnosed superimposed psychotic disorders developing after enlistment, i.e., mental deficiency with psychotic disorder, or

personality disorder with psychotic disorder, are to be considered as disabilities analogous to, and ratable as, schizophrenia, unless otherwise diagnosed.

(Authority: 38 U.S.C. 210(c); 38 U.S.C. 355)

4. Section 4.128 is revised to read as follows:

§ 4.128 Change of diagnosis.

Rating boards encountering a change of diagnosis will exercise caution in the determination as to whether a change in diagnosis represents no more than a progression of an earlier diagnosis, an error in a prior diagnosis, or possibly a disease entity independent of the service-connected psychiatric disorder.

(Authority: 38 U.S.C. 210(c); 38 U.S.C. 355)

5. Section 4.129 is revised to read as follows:

§ 4.129 Social inadaptability.

Social integration is one of the best evidences of mental health and reflects the ability to establish (together with the desire to establish) healthy and effective interpersonal relationships. Poor contact with other human beings may be an index of emotional illness. However, in evaluating impairment resulting from the ratable psychiatric disorders, social inadaptability is to be evaluated only as it affects industrial adaptability. The principle of social and industrial inadaptability as the basic criterion for rating disability from the mental disorders contemplates those abnormalities of conduct, judgment, and emotional reactions which affect economic adjustment, i.e., which produce impairment of earning capacity.

(Authority: 38 U.S.C. 210(c); 38 U.S.C. 355)

6. Section 4.130 is revised to read as follows:

§ 4.130 Evaluation of psychiatric disability.

The severity of disability is based upon actual symptomatology, as it affects social and industrial adaptability. Two of the most important determinants of disability are time lost from gainful work and decrease in work efficiency. The rating board must not underevaluate the emotionally sick veteran with a good work record, nor must it overevaluate his or her condition on the basis of a poor work record not supported by the psychiatric disability picture. It is for this reason that great emphasis is placed upon the full report of the examiner, descriptive of actual symptomatology. The record of the history and complaints is only preliminary to the examination. The objective findings and the examiner's analysis of the symptomatology are the essentials. The examiner's classification of the disease as "mild," "moderate," or "severe" is not determinative of the degree of disability, but the report and the analysis of the symptomatology and the full consideration of the whole history by the rating agency will be. In evaluating disability from psychotic disorders it is necessary to consider, in addition to present symptomatology or its absence, the frequency, severity, and duration of previous psychotic periods, and the veteran's capacity for adjustment during periods of remission. Repeated psychotic periods, without long remissions, may be expected to have a sustained effect upon employability until elapsed time in good remission and with good capacity for adjustment establishes the contrary. Ratings are to be assigned which represent the impairment of social and industrial adaptability based on all of the evidence of record. (See § 4.16 regarding the issue of individual unemployability based on mental disorder.) Evidence of material improvement in psychotic disorders disclosed by field examination or social survey should be utilized in determinations of competency, but the fact will be borne in mind that a person who has regained competency may still be unemployable, depending upon the level of his or her disability as shown by recent examinations and other evidence of record.

(Authority: 38 U.S.C. 210(c); 38 U.S.C. 355)

7. Section 4.131 is revised to read as follows:

§ 4.131 Mental disorders due to psychic trauma.

Certain mental disorders having their onset as an incident of battle or enemy action, or following bombing, shipwreck, imprisonment, exhaustion, or prolonged operational fatigue may at the outset be designated as gross stress disorder, "combat fatigue," "exhaustion," or any one of a number of special terms. These conditions may clear up entirely, permitting return to full or limited duty, or they may persist as one of the recognized mental disorders, particularly generalized anxiety disorder, or recur as post-traumatic stress disorder. If the mental disorder is sufficiently severe to warrant discharge from service, a minimum rating of 50 percent will be assigned with an examination to be scheduled within 6 months from discharge.

(Authority: 38 U.S.C. 210(c); 38 U.S.C. 355)

8. The four rating tables contained in § 4.132 are revised to read as follows:

§ 4.132 Schedule of ratings—mental disorders.

PSYCHOTIC DISORDERS

	Rating
9201 Schizophrenia, disorganized type.	
9202 Schizophrenia, catatonic type.	
9203 Schizophrenia, paranoid type.	
9204 Schizophrenia, undifferentiated type.	
9205 Schizophrenia, residual type; schizoaffective disorder; other and unspecified types.	
9206 Bipolar disorder, manic, depressed, or mixed.	
9207 Major depression with psychotic features.	
9208 Paranoid disorders (specify type).	
9209 Major depression with melancholia.	
9210 Atypical psychosis.	
General Rating Formula for Psychotic Disorders:	
Active psychotic manifestations of such extent, severity, depth, persistence or bizarreness as to produce total social and industrial inadaptability	100
With lesser symptomatology such as to produce severe impairment of social and industrial adaptability	70
Considerable impairment of social and industrial adaptability	50
Definite impairment of social and industrial adaptability	30
Mild impairment of social and industrial adaptability	10
Psychosis in full remission	0
Convalescent rating in psychotic disorders: Upon regular discharge or release to non-bed care from a hospital where a beneficiary has been under care and treatment for a continuous period in the hospital of not less than 6 months, an open rating of 100 percent will be continued for 6 months. A VA examination is mandatory at the expiration of the 6-month period, after which the condition will be rated in accordance with the degree of disability shown. Where the beneficiary has been under hospital care and treatment for less than 6 months and is not ratable at 100 percent under the rating formula, consideration should be given to § 4.29.	

ORGANIC MENTAL DISORDERS

	Rating
9300 Delirium associated with infection, trauma, circulatory disturbance, etc.	
NOTE: Acute organic mental disorders with or without accompanying psychotic disorder are temporary and reversible. If psychiatric impairment attributable to such diagnosis continues beyond 6 months, the report of examination is to be returned to the examiner for reconsideration of the diagnosis.	
9301 Dementia associated with central nervous system syphilis.	
9302 Dementia associated with intracranial infections other than syphilis.	
9303 Dementia associated with alcoholism.	
9304 Dementia associated with brain trauma.	
9305 Multi-infarct dementia with cerebral arteriosclerosis.	
9306 Multi-infarct dementia due to causes other than cerebral arteriosclerosis.	
9307 Dementia associated with convulsive disorder (idiopathic epilepsy).	
9308 Dementia associated with disturbances of metabolism.	

ORGANIC MENTAL DISORDERS—Continued

	Rating
9309 Dementia associated with brain tumor	
9310 Dementia due to unknown cause.	
9311 Dementia due to undiagnosed cause.	
9312 Dementia, primary, degenerative.	
9315 Dementia associated with epidemic encephalitis.	
9322 Dementia associated with endocrine disorder.	
9324 Dementia associated with systemic infection.	
9325 Dementia associated with drug or poison intoxication (other than alcohol).	
Before attempting to rate organic mental disorders, rating specialists should become thoroughly acquainted with the relevant concepts presented by the current Diagnostic and Statistical Manual of the American Psychiatric Association and the following:	
(1) Under the codes above, the basic syndrome of organic mental disorder may be the only mental disturbance present or it may appear with related "psychotic" manifestations. An organic mental disorder with or without such qualifying phrase will be rated according to the general rating formula for organic mental disorders, assigning a rating which reflects the entire psychiatric picture.	
(2) An organic mental disorder, as defined in the American Psychiatric Association manual, is characterized solely by psychiatric manifestations. However, neurological or other manifestations of etiology common to the mental disorder may be present, and if present, are to be rated separately as distinct entities under the neurological or other appropriate system and combined with the rating for the mental disorder.	
General Rating Formula for Organic Mental Disorders:	
Impairment of intellectual functions, orientation, memory and judgment, and lability and shallowness of affect of such extent, severity, depth, and persistence as to produce total social and industrial inadaptability	100
Less than 100 percent, in symptom combinations productive of:	
Severe impairment of social and industrial adaptability	70
Considerable impairment of social and industrial adaptability	50
Definite impairment of social and industrial adaptability	30
Mild impairment of social and industrial adaptability	10
No impairment of social and industrial adaptability	0

PSYCHONEUROTIC DISORDERS

	Rating
9400 Generalized anxiety disorder	
9401 Psychogenic amnesia; psychogenic fugue; multiple personality	
9402 Conversion disorder; psychogenic pain disorder.	
9403 Phobic disorder	
9404 Obsessive compulsive disorder	
9405 Dysthymic disorder; Adjustment disorder with depressed mood; Major depression without melancholia	
9408 Depersonalization disorder	
9409 Hypochondriasis	
9410 Other and unspecified neurosis	
9411 Post-traumatic stress disorder	
Read well notes (1) to (4) following general rating formula before applying the general rating formula	

PSYCHONEUROTIC DISORDERS—Continued

	Rating
General Rating Formula for Psychoneurotic Disorders:	
The attitudes of all contacts except the most intimate are so adversely affected as to result in virtual isolation in the community. Totally incapacitating psychoneurotic symptoms bordering on gross repudiation of reality with disturbed thought or behavioral processes associated with almost all daily activities such as fantasy, confusion, panic and explosions of aggressive energy resulting in profound retreat from mature behavior. Demonstrably unable to obtain or retain employment	100
Ability to establish and maintain effective or favorable relationships with people is severely impaired. The psychoneurotic symptoms are of such severity and persistence that there is severe impairment in the ability to obtain or retain employment	70
Ability to establish or maintain effective or favorable relationships with people is considerably impaired. By reason of psychoneurotic symptoms the reliability, flexibility and efficiency levels are so reduced as to result in considerable industrial impairment	50
Definite impairment in the ability to establish or maintain effective and wholesome relationships with people. The psychoneurotic symptoms result in such reduction in initiative, flexibility, efficiency and reliability levels as to produce definite industrial impairment	30
Less than criteria for the 30 percent, with emotional tension or other evidence of anxiety productive of mild social and industrial impairment	10
There are neurotic symptoms which may somewhat adversely affect relationships with others but which do not cause impairment of working ability	0
NOTE (1). Social impairment per se will not be used as the sole basis for any specific percentage evaluation, but is of value only in substantiating the degree of disability based on all of the findings.	
NOTE (2). The requirements for a compensable rating are not met when the psychiatric findings are not more characteristic than minor alterations of mood beyond normal limits; fatigue or anxiety incident to actual situations; minor compulsive acts or phobias; occasional stuttering or stammering; minor habit spasms or tics; minor subjective sensory disturbances such as anosmia, deafness, loss of sense of taste, anesthesia, paresthesia, etc. When such findings actually interfere with employability to a mild degree, a 10 percent rating under the general rating formula may be assigned.	
NOTE (3). It is to be emphasized that vague complaints are not to be erected into a concept of conversion disorder. A diagnosis of conversion disorder must be established on the basis of specific distinctive findings characteristic of such disturbance and not merely by exclusion of organic disease. If a diagnosis of conversion disorder is found by the rating board to be inadequately supported by findings, the report of examination will be returned through channels to the examiner for reconsideration.	
NOTE (4). When two diagnoses, one organic and the other psychological or psychoneurotic, are presented covering the organic and psychiatric aspects of a single disability entity, only one percentage evaluation will be assigned under the appropriate diagnostic code determined by the rating board to represent the major degree of disability. When the diagnosis of the same basic disability is changed from an organic one to one in the psychological or psychoneurotic categories, the condition will be rated under the new diagnosis.	

PSYCHOLOGICAL FACTORS AFFECTING PHYSICAL CONDITION

	Rating
9500 Psychological factors affecting skin condition.	
9501 Psychological factors affecting cardiovascular condition.	
9502 Psychological factors affecting gastrointestinal condition.	
9505 Psychological factors affecting musculoskeletal condition.	
9506 Psychological factors affecting respiratory condition.	
9507 Psychological factors affecting hemic and lymphatic condition.	
9508 Psychological factors affecting genitourinary condition.	
9509 Psychological factors affecting endocrine condition.	
9510 Psychological factors affecting condition of organ of special sense (specify sense organ).	
9511 Psychological factors affecting other type of physical condition.	
Evaluate psychological factors affecting physical condition by the general rating formula for psychoneurotic disorders.	
NOTE (1). It is to be emphasized that vague complaints are not to be erected into a concept of psychological disorder. A diagnosis of a psychological disorder affecting physical condition must be established on specific distinctive findings characteristic of such disturbance and not merely by exclusion of organic disease. If a diagnosis of a psychological disorder is found by the rating board to be inadequately supported by findings, the report of examination will be returned.	
NOTE (2). When two diagnoses, one organic and the other psychological or psychoneurotic, are presented covering the organic and psychiatric aspects of a single disability entity, only one percentage evaluation will be assigned under the appropriate diagnostic code determined by the rating board to represent the major degree of disability. When the diagnosis of the same basic disability is changed from an organic one to one in the psychological or psychoneurotic categories, the condition will be rated under the new diagnosis.	

[FR Doc. 87-30138 Filed 12-31-87; 8:45 am]

BILLING CODE 8320-01-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 2

Records and Testimony; Freedom of Information Act

AGENCY: Department of the Interior.

ACTION: Amendment to preamble of final rule.

SUMMARY: The final rule amending the Freedom of Information Act (FOIA) regulations of the Department of the Interior was published on November 30, 1987, 52 FR 45584. The preamble to the final rule included a discussion of the comments received by the Department of the Interior on the proposed rule and the Department's responses to those

comments. Some of the comments and responses pertaining to fee waivers were inadvertently omitted from the preamble. The section in the preamble to the final rule pertaining to fee waivers is reprinted below in its entirety, including the last six paragraphs which were previously omitted from the section.

FOR FURTHER INFORMATION CONTACT: Richard A. Stephan, Division of Directives and Regulatory Management, Office of Management Analysis, (202) 343–6191.

4. *Fee waivers.* Three commenters urged that the Department's rule specifically reject the guidance on fee waivers under the Reform Act issued by the Department of Justice on April 2, 1987. The Department finds this suggestion unhelpful. The Reform Act requires, in 5 U.S.C. 552(a)(4)(A)(i), that agency regulations contain "guidelines for determining when * * * fees should be waived or reduced." Rejection, without more, of the Department of Justice guidance does not meet this affirmative direction. What the Department has attempted to do is to draw on the Department of Justice guidance, as well as the language of the statute, the legislative history, and cases construing the former statutory fee waiver, to develop guidance for members of the public who request fee waivers and for Department employees who must consider these requests.

The Department also finds unhelpful the suggestion of two commenters that it simply adopt the statutory fee waiver language. This approach does not comport with the requirement of the Reform Act that the Department issue guidelines for determining when fees should be waived or reduced.

Three commenters argued that the proposed rule failed to follow the legislative history of the Reform Act and was therefore deficient. As the Department of Justice correctly pointed out in its guidance, the words of the statute control where they and the legislative history diverge. However, the Department has carefully reviewed the legislative history and has incorporated some elements from the legislative history in its rule.

Two commenters suggested that the Department's rule provide a presumptive fee waiver for public interest and media organizations. The Department has not adopted this suggestion. The Department agrees that such organizations will be entitled to a fee waiver in many, if not most, instances. However, other requesters may also make valid claims for fee waivers and the Department sees no principled basis on which to give preference to one group of requesters over another. Additionally, focusing solely on the identity of a requester neglects elements of the statutory standard. Each application for a waiver should be considered individually on its merits taking into account all relevant factors under the statute.

One commenter suggested that the five fee waiver criteria proposed by the Department in § 2.21 be rewritten in declarative sentences. The Department has not adopted this suggestion. The criteria are written as a series of questions to be answered about a fee waiver request. This approach emphasizes that each fee waiver request must be examined individually on a case-by-case basis and that the various factors involved must be weighed and balanced in arriving at a determination.

Addressing the substance of the five criteria, three commenters objected to the criterion concerning whether a requested record relates to the operations and activities of the government. They argued that it inappropriately requires a clear and direct connection between requested records and identifiable government activities and that it does not adequately deal with records submitted to the Department by private parties. On the first point, the Department believes that its formulation is consistent with the language of the statute and the legislative history. The legislative history makes clear that the phrase "operations and activities of the government" should be construed broadly; but it also makes clear that there is to be a connection to "the manner in which a government agency is carrying out its operations or the manner in which an agency program affects the public." 132 Cong. Rec. H9464 (daily ed. October 8, 1986). On the second point, the Department's description of the coverage of third party records is a direct paraphrase of statements in the legislative history, 132 Cong. Rec. H9464 (daily ed. October 8, 1986), 132 Cong. Rec. S14298 (daily ed. September 30, 1986), and accurately reflects the language of the statute and the legislative history.

Three commenters addressed the criterion concerning whether disclosure is likely to contribute to public understanding, stating that the criterion inappropriately introduces subjectivity into fee waiver decisions. The Department agrees that fee waiver decisions are to be decided on an objective basis. The proposed language of § 2.21(a)(2)(ii), which is retained in the final rule, attempts to conform to this understanding by suggesting neutral standards to give meaning to the statutory requirement that disclosure be "likely" to contribute to public understanding.

One commenter suggested that the criterion concerning whether the contribution from disclosure of a record will be "significant" be rewritten to define significance as "having meaning". The Department has not adopted this suggestion. The proposed rule offers an objective standard for significance drawn directly from the legislative history. 132 Cong. Rec. H9464 (daily ed. October 8, 1986).

Two commenters objected to language in § 2.20(a)(2)(iii) indicating that a significant contribution is not likely to arise from disclosure of information that is already in the public domain because it has been published or is available to the general public in a public reading room. The Department has retained the proposed language. As is made clear in *Blakey* v. *Dept. of Justice*, 549 F.Supp. 362 (D.D.C. 1982), *aff'd*, 720 F.2d 215 (D.C. Cir. 1983), the fund of publicly available knowledge on an issue will not ordinarily be increased by disclosure of information routinely available in a library or public reading room.

Finally, two commenters suggested that "public interest" fee waivers routinely be provided for Indian groups. The Department has not adopted this suggestion. As stated earlier, each fee waiver request must be judged on its own merits. Recognizing the special relationship between Indian groups and the Department, however, the Department has added language to the discretionary fee waiver provisions allowing discretionary waivers for Indian tribes on the same basis as for other governmental organizations.

Joseph W. Gorrell,

Principal Deputy Assistant Secretary, Policy, Budget and Administration.

Date: December 22, 1987.

[FR Doc. 87–30085 Filed 12–31–87; 8:45 am]

BILLING CODE 4310–RK–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Office of Child Support Enforcement

Office of Human Development Services

Health Care Financing Administration

Family Support Administration

45 CFR Part 95

Automatic Data Processing Equipment and Services; Conditions for Federal Financial Participation

AGENCY: Office of the Secretary, HHS, Office of Child Support Enforcement, Office of Human Development Services, Health Care Financing Administration, Family Support Administration.

ACTION: Final rule.

SUMMARY: This rule makes the removal of a requirement for prior HHS approval of service agreements retroactive to the original effective date of the requirement.

EFFECTIVE DATE: This rule is effective February 3, 1988.

FOR FURTHER INFORMATION CONTACT: Claire Johnson, (202) 245-0421.

SUPPLEMENTARY INFORMATION: 45 CFR 95.611(b)(2) of the Department's rules, published on September 29, 1978 (43 FR 44853), required prior Departmental approval of a service agreement under which other State or local agencies would provide data processing services to the State agency administering a public assistance program under titles I, IV-A, IV-B, IV-C, IV-D, X, XIV, XVI (AABD), XIX, or XX of the Social Security Act.

Final Rules published on December 18, 1986 (51 FR 45321)—

- Revised § 95.611(b)(2) to remove the service agreement prior approval requirement; and
- Added, to § 95.621, a new paragraph (e), requiring the State agency to keep a copy of the service agreement on file for Federal review.

During the period from September 29, 1978 to January 19, 1987, when the Department required prior HHS approval of service agreements (that is prior to States incurring under them costs for which States would claim HHS financial participation), there were instances where States incurred costs, and claimed and received HHS financial participation in those costs without having first requested and received HHS prior approval. This occurred because some States believed erroneously that prior approval was not a pre-condition for automatic data processing funding, based on the Department's practice of occasionally having retroactively approved automatic data processing acquisitions of merit. Because it believed it should not unfairly penalize these States, the Department sought to rectify this situation on January 27, 1986 by publishing an interim final rule (51 FR 3337), which established the circumstances under which the Department would waive the prior approval requirements contained in § 95.611. The Department intended that action to both reaffirm the principle of prior approval and to correct those situations where States had incurred costs, and claimed and received HHS financial participation for activities undertaken under service agreements for which the Department had not given its prior approval, but which met all other pertinent requirements of 45 CFR 95.601 *et seq.*

However, the Department has since learned that there still exist instances where States have incurred costs, most of which have been claimed and paid through HHS financial participation under unapproved service agreements which are not eligible for waiver of prior approval under the provisions established by the January 27, 1986 interim final regulation (51 FR 3337), and which predate the December 18, 1986 final regulation (51 FR 45321) eliminating the prior approval requirement of service agreements after January 19, 1987.

Recognizing this situation, the Department has decided to permit Federal financial participation (FFP) for service agreements executed under the 1978 rule that would not otherwise be eligible for FFP solely because of the States' failure to obtain Federal approval prior to their execution.

In effect, this rule eliminates the requirement for prior approval of service agreements which meet all other pertinent requirements of 45 CFR 95.601 *et seq.* and other Federal requirements governing State expenditures for service agreements. Thus, this regulation would permit the payment of claims for FFP that would otherwise be subject to a disallowance because of a lack of prior approval.

The Department is taking this action because: (1) Service agreements are a legitimate cost of automatic data processing activities required by States to administer the Social Security Act public assistance programs; (2) the costs incurred under the unapproved service agreements, which are the subject of this final rule, have for the most part been claimed and paid by HHS through the normal process of claiming HHS grant funds; and (3) the justification specified in the December 18, 1986 final regulation (51 FR 45321), that the prior approval requirement of service agreements was duplicative of similar requirements imposed by the Regional Office of Cost Allocation, also applies to the unapproved service agreements which are the subject of this final rule.

Waiver of Proposed Rulemaking

The regulations published on December 18, 1986 removed the prior HHS approval requirement for service agreements. This change was—

- Based on public comments responding to the NPRM that preceded the December 18, 1986 final rules; and
- Justified because, the prior HHS approval requirement for service agreements being duplicative of similar requirements imposed by the Regional Office of Cost Allocation, constituted an unnecessary additional paperwork burden and could delay ADP operations.

We find that publication of this regulation in proposed form would be unnecessary, and contrary to the public interest for the following reasons:

- The provisions of this rule are consistent with those of the December 18, 1986 final regulation (51 FR 45321) which eliminated the prior approval requirement for service agreements, so that the opportunity for public comment on the substance of this rule has already been provided. Additional public comment is therefore unnecessary.
- The justification for eliminating this requirement in the December 18, 1986 final regulation (51 FR 45323, 45325), i.e., that this prior approval requirement duplicates similar requirements of the Department's Regional Office of Cost Allocation, which is responsible for the review and approval of cost allocation proposals submitted by States for use in administration of various programs under the Social Security Act, also applies to the unapproved service agreements which are the subject of this final rule. It is therefore, unnecessary to seek additional public comment.
- In comments received from the public in response to the January 27, 1986 interim final rule (51 FR 3337) establishing circumstances under which the Department would waive the prior approval requirement, no commenters opposed the rule and some requested additional relief from the prior approval requirement. This rule will be consistent with that request. Therefore, we believe it would be unnecessary and contrary to the public interest to require additional comments.

We find, therefore, that good cause exists for dispensing with notice and opportunity for public comment.

Regulatory Impact Analysis

The Secretary has determined, in accordance with Executive Order 12291, that this rule does not constitute a major rule because it will not have an annual impact on the economy of $100 million or more, result in a major increase in costs or price for consumers, any industries, any governmental agencies or any geographic regions, or otherwise meet the thresholds of the Executive Order.

Regulatory Flexibility Analysis

Consistent with the Regulatory Flexibility Act (Pub. L. 96–354), which requires the Federal Governnent to anticipate and reduce the impact of rules and paperwork requirements on small businesses and other small entities, the Secretary certifies that this rule has no significant effect on a substantial number of small entities. Therefore, a regulatory flexibility analysis is not included.

Paperwork Reduction Act

The recordkeeping requirements contained in § 95.621 have been approved by the Office of Management and Budget under the Paperwork Reduction Act of 1980 and assigned approval number 0990–0058.

List of Subjects in 45 CFR Part 95

Claims, Computer technology, Grant programs—health, Grant programs, Social programs, Social Security.

(Catalog of Federal Domestic Assistance Program Numbers: 13.645, Child Welfare Services—State Grants; 13.658, Foster Care Maintenance; 13.659, Adoption Assistance; 13.783, Child Support Enforcement Program; 13.714, Medical Assistance Program; 13.780, Assistance Payments—Maintenance Assistance; 13.808, Assistance Payments—State and Local Training)

Dated: October 29, 1987.

Otis R. Bowen,

Secretary of Health and Human Services.

45 CFR Part 95, Subpart F is amended as set forth below:

PART 95—[AMENDED]

1. The authority citation for Part 95, Subpart F, is revised as follows:

Authority: Section 1102 of the Social Security Act, 42 U.S.C. 1302; 5 U.S.C. 301.

2. Section 95.621 is amended by revising paragraph (e) to read as follows:

§ 95.621 ADP reviews.

* * * * *

(e) *State Agency Maintenance of Service Agreements.* (1) The State agency will maintain a copy of each service agreement in its files for Federal review.

(2) A State agency that did not obtain prior approval of a service agreement, as required by § 95.611(b)(2) as it was in effect from December 28, 1978 (unless a State chose to exercise the option to make it effective as early as September 29, 1978) through January 19, 1987, is eligible for FFP claimed for services furnished by other State or local agencies under that agreement if: (i) The State agency has a copy of it in its files for Federal review; (ii) it meets the definition of a service agreement as it was defined in section 95.605 from December 28, 1978 through January 19, 1987; (iii) the claim conforms to the timely claim provisions of 45 CFR Part 95, Subpart A; and (iv) the service agreement was not previously disapproved by HHS.

[FR Doc. 87–29972 Filed 12–31–87; 8:45 am]

BILLING CODE 4150–04–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CC Docket No. 86–79; FCC 87–389]

Furnishing of Customer Premises Equipment by the Bell Operating Companies and the Independent Telephone Companies; Denial of Petitions for Reconsideration

AGENCY: Federal Communications Commission.

ACTION: Memorandum opinion and order denying petitions for reconsideration.

SUMMARY: This action generally denies petitions seeking reconsideration of the BOC CPE Relief Order (CC Docket No. 86–79; 52 FR 2226, January 21, 1987) but modifies various aspects of the nondiscrimination and customer proprietary network information (CPNI) safeguards. This action is taken because no additional information was supplied by the concerned parties.

FOR FURTHER INFORMATION CONTACT: Melanie Haratunian, Common Carrier Bureau, (202) 632–6910.

SUPPLEMENTARY INFORMATION: In the matter of furnishing of customer premises equipment by the Bell Operating Telephone Companies and the Independent Telephone Companies. This is a summary of the Commission's Memorandum Opinion and Order, CC Docket 86–79, adopted December 15, 1987, and released December 17, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

SUMMARY OF MEMORANDUM OPINION AND ORDER

1. In 1986, in the BOC CPE Relief Order (2 FCC Rcd 143 (1987)), the Commission replaced the structural separation requirements established in Computer II for the provision of customer premises equipment (CPE) by the Bell Operating Companies (the BOCs) with five nonstructural safeguards. These safeguards include a network information disclosure obligation, a requirement that the BOCs file quarterly reports on installation and maintenance of basic services, restrictions on the use of CPNI, and a "joint marketing" requirement that provides independent CPE vendors with a meaningful opportunity to market their CPE jointly with Centrex and other BOC network services. The safeguards were not applied to independent telephone companies. Ameritech, ICA and NATA filed petitions seeking reconsideration of various aspects of the BOC CPE Relief Order.

2. In the Memorandum Opinion and Order, the Commission retained the network disclosure safeguard established in the BOC CPE Relief Order, and denied Ameritech's request to modify the twelve month public disclosure period. It concluded that the existing safeguard properly balances the competing interests of manufacturing firms in early disclosure with the interests of the BOCs in maintaining as confidential the technical specifications on new modified network services.

3. In addition, the Commission declined to reconsider the CPNI safeguard, but it directed the Common Carrier Bureau, in its review of the BOCs' plans for complying with the nonstructural safeguard, to take steps to ensure that those plans permit customers to restrict BOC use of their CPNI. Moreover, the Commission clarified two aspects of the CPNI safeguard. First, it concluded that a customer need not annually request that its CPNI be withheld; a customer's assertion of confidentiality remains in effect until the customer explicitly states otherwise. Second, the Commission stated that a customer may request and receive confidential treatment of its CPNI before it receives the first annual

notification of its CPNI rights from the BOC.

4. Based on its conclusion that there is little apparent likelihood that the BOCs can or will discriminate on the basis of the identity of the CPE vendor in the maintenance of network services, the Commission also replaced the mandatory quarterly maintenance reporting requirement with an option for each BOC either to (a) file quarterly maintenance reports as specified in the BOC CPE Relief Order, or (b) submit annually an affidavit attesting that the company has followed the procedures described in its compliance plan and that it has not discriminated in the provision of network maintenance on the basis of a customer's CPE vendor.

5. Finally, the Commission denied petitions to eliminate the joint marketing requirement and to require GTE to establish Centralized Operations Groups.

Ordering Clauses

Accordingly, *It is ordered*, that pursuant to sections 1, 4 (i) and (j), 201, 202, 203, 205, 218, and 405 of the Communications Act, 47 U.S.C. 151, 154 (i) and (j), 201, 202, 203, 205, 218, and 405, and 5 U.S.C. 553, the Petitions for Reconsideration filed in this proceeding ARE DENIED, except as provided herein.

It is further ordered, that the motion for leave to file a supplement to petition filed by NATA is granted.

It is further ordered, that the motions for leave to file in excess of page limitation filed by NATA and GTE are granted.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 87-29815 Filed 12-31-87; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 87-229; RM-5735]

Radio Broadcasting Services; Danville, VT

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 239A to Danville, Vermont, as that community's first FM service, at the request of Peter Morton. We have received concurrence of the Canadian government for the allotment. With this action, this proceeding is terminated.

DATES: *Effective* January 25, 1988. The window period for filing applications will open on January 26, 1988 and close on February 25, 1988.

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 87-229, adopted November 25, 1987, and released December 14, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

47 CFR Part 73 is amended as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments, is amended by adding Danville, Vermont, Channel 239A.

Mark N. Lipp,

Chief, Allocations Branch, Mass Media Bureau.

[FR Doc. 87-30076 Filed 12-31-87; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 87-226; RM-5752]

Radio Broadcasting Services; Rupert, VT

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 281A to Rupert, Vermont, as that community's first FM service, at the request of Peter Morton. We have obtained concurrence of the Canadian government for the allotment. With this action, this proceeding is terminated.

DATES: *Effective* January 25, 1988. The window period for filing applications will open on January 26, 1988, and close on February 25, 1988.

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 87-226, adopted November 25, 1987, and released December 14, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

47 CFR Part 73 is amended as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments, is amended by adding Rupert, Vermont, Channel 281A.

Mark N. Lipp,

Chief, Allocations Branch, Mass Media Bureau.

[FR Doc. 87-30077 Filed 12-31-87; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 87-228; RM-5730]

Radio Broadcasting Services; Elk Mound, WI

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 225A to Elk Mound, Wisconsin, as that community's first FM service at the request of Dri-Five, Incorporated. With this action, this proceeding is terminated.

DATES: *Effective* January 25, 1988. The window period for filing applications will open on January 26, 1988, and close on February 25, 1988.

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 87-228, adopted November 25, 1987, and released December 14, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The

complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

47 CFR Part 73 is amended as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments, is amended by adding Elk Mound, Wisconsin, Channel 225A.

Mark N. Lipp,

Chief, Allocations Branch, Mass Media Bureau.

[FR Doc. 87-30078 Filed 12-31-87; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 87-125; RM-5653]

Television Broadcasting Services; Columbia, SC

AGENCY: Federal Communications Commission

ACTION: Final rule; correction.

SUMMARY: This document corrects the *Report and Order*, adopted October 30, 1987, which allocated Channel 47 to Columbia, South Carolina, as the community's fifth local commercial channel (52 FR 44988). The summary incorrectly stated that the allotment was not subject to the Commission's freeze on new allotments within 30 metropolitan areas. Columbia is located within 175 miles of Charlotte, North Carolina, which is one of the affected metropolitan areas. See *Order*, 52 FR 28346, July 29, 1987. Therefore, while the allocation of Channel 47 to Columbia is not affected by the freeze since the request for rule making preceded its initiation, applications for use of the channel cannot be accepted until further notice.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Erratum, MM Docket No. 87-125, released December 14, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-30079 Filed 12-31-87; 8:45 am]

BILLING CODE 6712-01-M

Proposed Rules

Federal Register
Vol. 53, No. 1
Monday, January 4, 1988

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF ENERGY

Office of Conservation and Renewable Energy

10 CFR Part 430

[Docket No. CE-RM-87-102]

Energy Conservation Program for Consumer Products; Energy Conservation Standards for Three Types of Consumer Products; Public Hearing

AGENCY: Conservation and Renewable Energy Office, DOE.

ACTION: Notice of public hearing.

SUMMARY: In the **Federal Register** of December 7, 1987 (52 FR 46367), DOE issued an advance notice of proposed rulemaking (ANOPR) on energy conservation standards for three types of consumer products, as authorized by the National Appliance Energy Conservation Act of 1987. The purpose of today's notice is to announce a public hearing concerning the matters of the December 7, 1987, ANOPR.

DOE believes that such a public forum is warranted in view of the possible conflict between these appliance energy conservation standards and those regulations recently proposed by the Environmental Protection Agency regarding the restriction of chlorofluorocarbon production.

DATES: *Public Hearing.* A public hearing will be held in Washington, DC, on January 28, 1988, at 9:30 a.m.; requests to speak must be received by the Department no later than 4 p.m., January 26, 1988; ten copies of each speaker's statement are requested.

FOR FURTHER INFORMATION CONTACT:

Michael J. McCabe, U.S. Department of Energy, Office of Conservation and Renewable Energy, Mail Station CE-132, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9127

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Mail Station GC-12, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9507.

SUPPLEMENTARY INFORMATION: The hearing will be held at the U.S. Department of Energy, Forrestal Building, Room 1E-245, 1000 Independence Avenue, SW., Washington, DC 20585.

1. Procedure for Submitting Requests to Speak. Requests to speak should be made to: U.S. Department of Energy, Office of Conservation and Renewable Energy, Hearings and Dockets, CE-43.1, Room 6B-025, 1000 Independence Avenue, SW., Washington, DC 20585 (Telephone (202) 586-9320). Any person who has an interest in this proceeding, or who is a representative of a group or class of persons having an interest, may submit a written or telephone request for an opportunity to make an oral presentation at the public hearing. Such requests should be labeled, both on the letter and the envelope, "Appliances: 3 Product Rulemaking (Docket No. CE-RM-87-102)," should be sent to the proper address and must be received by the time specified above.

The person making the request should briefly describe the interest concerned and give a telephone number where he or she may be contacted.

2. Selection of Speakers. DOE reserves the right to select the persons to be heard at this hearing, and to schedule the respective presentations. DOE will endeavor to afford all persons who request to speak an opportunity to be heard. The length of each presentation will be limited to 20 minutes. Scheduled speakers will be so notified by DOE.

3. Conduct of Hearing. A DOE official will be designated to preside at the hearing. The hearing will not be a judicial or evidentiary-type hearing, but will be conducted in accordance with 5 U.S.C. 553. The official conducting the hearing will accept additional comments or questions from those attending, as time permits.

Any further procedural rules regarding proper conduct of the hearing will be announced by the presiding official.

Issued in Washington, DC, December 23, 1987.

Donna R. Fitzpatrick,

Assistant Secretary, Conservation and Renewable Energy.

[FR Doc. 87-30162 Filed 12-31-87; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 141 and 178

Entry of Consolidated Shipments; Extension of Time for Comments

AGENCY: Customs Service, Treasury.

ACTION: Extension of comment period.

SUMMARY: This notice extends the period of time within which interested members of the public may submit comments concerning a proposal to amend the Customs Regulations relating to the entry procedures for consolidated shipments of imported merchandise. On November 4, 1987, Customs published a notice in the **Federal Register** (52 FR 42310), proposing to amend § 141.11, Customs Regulations (19 CFR 141.11), by adding a new paragraph covering consolidated shipments. According to the proposal, in the case of consolidated shipments by common carrier, entry may not be made by a broker appointed by the consignee named in the master bill of lading or master airway bill if a consignee on any one of the individual bills of lading or individual waybills which make up the master bill of lading or master airway bill has designated another broker to make entry, or any one of the individual bills of lading or individual air waybills indicates that entry will be made by the actual owner or purchaser.

Comments on this proposal were to have been received on or before January 4, 1988. Customs has received a request to extend the comment period an additional 45 days. In view of the complexity of the issues involved, the request is being granted to provide additional time so that responsive comments may be prepared.

DATE: Comments are requested on or before February 18, 1988.

ADDRESS: Comments may be submitted to and inspected at the Regulations and Disclosure Law Branch, U.S. Customs

Service, Room 2324, 1301 Constitution Avenue, NW., Washington, DC 20229.

All comments submitted will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), § 1.4, Treasury Department Regulations (31 CFR 1.4) and § 103.11(b), Customs Regulations (19 CFR 103.11(b)), between 9:00 a.m. and 4:30 p.m. on normal business days, at the above address.

FOR FURTHER INFORMATION CONTACT: Jerry Laderberg, Commercial Rulings Division (202–566–5856).

Dated: December 24, 1987.

Harvey B. Fox,

Director, Office of Regulations and Rulings.

[FR Doc. 87–30148 Filed 12–31–87; 8:45 am]

BILLING CODE 4820–02–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 141 and 142

[FRL–3310–5]

National Primary Drinking Water Regulations; Filtration and Disinfection; Turbidity, Giardia lamblia, Viruses, Legionella, and Heterotrophic Bacteria; Total Coliforms

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule; extension of public comment period.

SUMMARY: The public comment period is extended beyond the January 4, 1988, deadline for the proposed surface water treatment requirements and total coliforms proposal, published on November 3, 1987 (52 FR 42178 and 52 FR 42224, respectively). EPA will soon publish a notice of availability describing additional information for comment, and possibly other regulatory options. The notice will announce the date, time and location of at least one additional public hearing which will be conducted on the original proposals as well as the information in the notice of availability. The notice will also set the close of the public comment period. Even though the comment period is extended, EPA encourages submittal of written comments expeditiously in order that technical, scientific, and regulatory issues can be addressed by EPA staff as soon as possible.

DATES: The public comment period is open until EPA announces the closing date.

ADDRESSES: Send written comments on these proposed rules to Surface Water Treatment Requirements Comment Clerk, or Coliforms Comment Clerk, Criteria and Standards Division, Office of Drinking Water (WH–550), Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. A copy of the comments and supporting documents will be available for review at the EPA Drinking Water Docket, 401 M Street, SW., Washington, DC 20460. For access to the docket materials, call (202) 382–3027 between 9 a.m. and 3:30 p.m.

FOR FURTHER INFORMATION CONTACT: The Safe Drinking Water Hotline telephone (800) 426–4791, or (202) 382–5533 in the Washington, DC metropolitan area, or Stig Regli (Surface Water Treatment Requirements) or Paul S. Berger, Ph.D. (Total Coliforms), Science and Technology Branch, Criteria and Standards Division, Office of Drinking Water (Wh–550), Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, telephone (202 382–7379 or 382–3039, respectively).

Date: December 28, 1987.

Larry Jensen,

Assistant Administrator for Water.

[FR Doc. 87–30145 Filed 12–31–87; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 261

[SW–FRL–3311–3]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Proposed Exclusion

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule and request for comment.

SUMMARY: The Environmental Protection Agency (EPA or Agency) today is proposing to exclude from the lists of hazardodus wastes contained in 40 CFR 261.31 and 261.32 the solid wastes generated at the EPA Mobile Incineration System in McDowell, Missouri when incinerating cancelled 2,4,5–T and Silvex pesticide products. This action responds to a delisting petition submitted under 40 CFR 260.20, which allows any person to petition the Administrator to modify or revoke any provision of Parts 260 through 268, 124, 270, and 271 of Title 40 of the Code of Federal Regulations, and 40 CFR 260.22, which specifically provides generators the opportunity to petition the Administrator to exclude a waste on a "generator-specific basis" from the hazardous waste lists.

DATES: EPA will accept public comments on this proposed exclusion until February 3, 1988. Comments postmarked after the close of the comment period will be stamped "late".

Any person may request a hearing on this proposed exclusion by filing a request with Bruce R. Weddle, whose address appears below, by January 19, 1988. The request must contain the information prescribed in 40 CFR 260.20(d).

ADDRESSES: Send three copies of your comments to EPA. Two copies should be sent to the Docket Clerk, Office of Solid Waste (WH–562), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. A third copy should be sent to Jim Kent, Variances Section, Assistance Branch, PSPD/OSW (WH–563), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. Identify your comments at the top with this regulatory docket number: "F–88–MIPP FFFFF".

Requests for a hearing should be addressed to Bruce R. Weddle, Director, Permits and State Programs Division, Office of Solid Waste (WH–563), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

The RCRA regulatory docket for this proposed rule is located at the U.S. Environmental Protection Agency, 401 M Street, SW. (sub-basement), Washington, DC 20460, and is available for viewing from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding Federal holidays. Call (202) 475–9327 for appointments. The public may copy a maximum of 50 pages of material from any one regulatory docket at no cost. Additional copies cost 20 cents per page.

FOR FURTHER INFORMATION CONTACT: For general information, contact the RCRA Hotline, toll free at (800) 424–9346, or at (202) 382–3000. For technical information concerning this notice, contact Mr. Bob Kayser, Office of Solid Waste (WH–563), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC. 20460, (202) 382–4536.

SUPPLEMENTARY INFORMATION:

I. Background

A. Authority

On January 16, 1981, as part of its final and interim final regulations implementing section 3001 of the Resource Conservation and Recovery Act (RCRA), EPA published an amended list of hazardous wastes from non-specific and specific sources. This list has been amended several times and is published in 40 CFR 261.31 and 261.32. These wastes are listed as hazardous because they typically and frequently exhibit one or more of the characteristics of hazardous wastes

identified in Subpart C of Part 261 (*i.e.*, ignitability, corrosivity, reactivity, and extraction procedure (EP) toxicity) or meet the criteria for listing contained in 40 CFR 261.11(a) (2) or (a) (3).

Individual waste streams may vary, however, depending on raw materials, industrial processes, and other factors. Thus, while a waste that is described in these regulations generally is hazardous, a specific waste from an individual facility meeting the listing description may not be. For this reason, 40 CFR 260.20 and 260.22 provide an exclusion procedure, allowing persons to demonstrate that a specific waste from a particular generating facility should not be regulated as a hazardous waste.

To have their wastes excluded, petitioners must provide sufficient information to allow the Agency to determine (1) that the wastes to be exclude is non-hazardous based upon the criteria for which it was listed, (2) that no other hazardous constituents are present in the waste at levels of regulatory concern, and (3) that the waste does not exhibit any of the hazardous waste characteristics. *See* 40 CFR 260.22(a), 42 U.S.C. 6921(f) and the backgound documents for the listed waste(s).

In addition to wastes listed as hazardous in 40 CFR 261.31 and 261.32, residues from the treatment, storage, or disposal of listed hazardous wastes and mixtures containing hazardous wastes also are eligible for exclusion and remain hazardous wastes until excluded. *See* 40 CFR 261.3(c) and (d) (2). The substantive standard for "delisting" a treatment residue or a mixture is the same as previously described for listed wastes.

B. Approach Used to Evaluate Delisting Petitions

The Agency first will evaluate the petition to determine whether the waste is hazardous based on the factors for which the waste was originally listed. If the Agency believes that, based on the original listing factors, the waste is still hazardous on this basis, it will propose to deny the petition. If, however, the Agency agrees with the petitioner that the waste is non-hazardous with respect to the original listing criteria, EPA then will evaluate the waste with respect to other factors (including constituents other than those for which the waste was listed) if there is a reasonable basis to believe that such additional factors could cause the waste to be hazardous.

The Agency currently is using a hierarchical approach in evaluating petitions for the other factors (*e.g.*, for constituents listed in Appendix VIII of Part 261). *See* 50 FR 7882 (February 26, 1985). This approach may, in some cases, eliminate the need for additional testing. The petitioner can choose to submit a raw materials list and process descriptions. The Agency will evaluate this information to determine whether any hazardous constituents are used or formed in the manufacturing and treatment process and are likely to be present in the waste at significant levels. If so, the Agency then will request that the petitioner perform additional analytical testing. If the petitioner disagrees, he may present arguments on why the toxicants would not be present in the waste, or, if present, why they would pose no toxicological hazard. The reasoning may include descriptions of closed or segregated systems, or mass balance arguments relating volumes of raw materials used to the volume of waste generated. If the Agency finds that the arguments presented by the petitioner are not sufficient to eliminate the reasonable likelihood of the toxicant's presence in the waste at levels of regulatory concern, the petition would be tentatively denied on the basis of insufficient information. The petitioner then may choose to submit the additional analytical data on representative samples of the waste during the public comment period.

Rather than submitting a raw materials list, petitioners may test their waste for any additional toxic constituents that may be present and submit these data to the Agency. In this case, the petitioner must demonstrate why any additional toxic constituents, for which no testing was done, would not be present in the waste or, if present, why they would not be present at concentrations that would pose a toxicological hazard.

In making a delisting determination, the Agency also evaluates each petitioned waste against the listing criteria and factors cited in 40 CFR 261.11(a)(2) and (a)(3). Specifically, the Agency considers whether the waste is acutely toxic and considers the toxicity of the constituents, the concentration of the constituents in the waste, their tendency to migrate and bioaccumulate, their persistence in the environment once released from the waste, plausible types of management of the waste, and the quantities of waste generated. In this regard, the Agency has developed and currently is using an analytical approach to evaluate wastes that are landfilled and land treated. *See* 50 FR 7882 (February 26, 1985), 50 FR 48896 (November 27, 1985), 50 FR 48943 (November 27, 1985), and 51 FR 41084 (November 13, 1986). The overall approach, which includes a ground-water transport model, is used to predict reasonable worst-case contaminant levels in ground water in nearby receptor wells (*i.e.*, the model estimates the ability of an aquifer to dilute the toxicant from a specific volume of waste). The land treatment model also has an air component and predicts the concentration of specific toxicants at some distance downwind of the facility. The compliance-point concentration determined by the model then is compared directly to a level of regulatory concern . If the value at the compliance point predicted by the model is less than the level of regulatory concern, then the waste could be considered non-hazardous and a candidate for delisting. If the value at the compliance point is above this level, however, then the waste probably still will be considered hazardous, and not excluded from Subtitle C control.

This approach has resulted in the development of a sliding regulatory scale which suggests that a large volume of waste exhibiting a particular extract level would be considered hazardous, while a smaller volume of the same waste could be considered non-hazardous. Other factors may result in the denial of a petition, such as actual ground-water monitoring data or spot-check verification data. The selected approach predicts that the larger the waste volume, the higher the levels of toxicants at the compliance point. The Agency believes this to be a reasonable outcome because a larger quantity of waste (and/or the toxicants in the waste) might not be diluted sufficiently to result in compliance-point concentrations that are less than the levels of regulatory concern. For wastes that are landfilled, the mathematical relationship (with respect to ground water) yields at least a six-fold dilution of the toxicant concentration initially entering the aquifer (*i.e.*, any waste exhibiting extract levels equal to or less than six times a level of regulatory concern will generate a toxicant concentration at the compliance point equal to or less than that level of regulatory concern). Depending on the volume of waste, an additional five-fold dilution may be imparted, resulting in a total dilution of up to thirty-two times.

Under certain circumstances, a petitioner may request an "upfront" delisting (*i.e.*, for waste that has not yet been generated or that will be subject to further treatment). An upfront delisting (when treatment is planned) allows an exclusion to be granted based on untreated waste characteristics, pilot-scale (*i.e.*, scaled down versions of the proposed treatment system operated in either the laboratory or the field)

treatment data if available, process descriptions and batch testing requirements (*i.e.*, required analytical testing of representative samples obtained from the full-scale treatment system verifying that the treatment system is on-line and operating as described in the petition) to show that, once on-line, a treatment system can meet the Agency's verification testing limitations (*i.e.*, the maximum allowable level of the hazardous constituents of concern present in the waste, below which, the waste would not be considered hazardous) and can demonstrate that the treated waste will not be hazardous.

Requirements for upfront delisting of wastes not requiring treatment are identical to those for treated wastes, except that analytical testing would be performed on the raw (untreated) waste generated by pilot-scale manufacturing processes, and on-line batch testing (one of the conditions of the exclusion) would be performed on the raw waste generated by full-scale manufacturing process.

For upfront delisting of either treated or untreated wastes, a list of constituents is developed for the verification testing and tentative maximum allowable treated waste concentrations for these constituents can be (and are presently) derived by back-calculating from the regulatory standards through the VHS model and organic leachate model (OLM). These levels (*i.e.*, "delisting levels") are made conditions of the delisting.

Upfront delisting has the advantage of allowing the applicant to know what treatment levels for constituents should be sufficient to render specific wastes non-hazardous, before investing in new or modified waste treatment systems. Therefore, upfront delisting will allow new facilities to receive exclusions prior to generating waste, which, without upfront exclusions, would unnecessarily have been considered hazardous. Upfront delisting for existing facilities could be processed concurrently during construction or permitting activities; therefore, new or modified treatment systems should be capable of producing wastes that are considered non-hazardous sooner than otherwise would be possible. At the same time, conditional batch testing requirements to submit data verifying that the delisting levels are achieved by the fully operational manufacturing/treatment systems will guarantee the integrity of the delisting program and will ensure that only non-hazardous wastes are removed from Subtitle C control.

The Agency is using this approach in determining the potential impact of the unregulated disposal of petitioned waste on human health and the environment and has used this approach in evaluating the wastes proposed for exclusion in today's publication. As a result of this evaluation, the Agency is proposing to grant the petition discussed in this notice.

Finally, the Hazardous and Solid Waste Amendments of 1984 specifically require the Agency to provide notice and an opportunity for comment before granting or denying a final exclusion. Thus, a final decision will not be made for the petition proposed today until all public comments (including those at requested hearings, if any) are addressed.

II. Disposition for Exclusion Petition

A. Environmental Protection Agency, Releases Control Branch

1. Petition for Exclusion

The Environmental Protection Agency (EPA), Releases Control Branch (RCG), Office of Research and Development (ORD), located in Edison, New Jersey, submitted a petition on December 4, 1987, to exclude wastes generated from the incineration of dioxin-contaminated pesticides, listed as hazardous pursuant to 40 CFR 261.3(c)(2)(i), in the EPA's Mobile Incineration System (MIS) located in McDowell, Missouri. The pesticides, which includes 2,4,5-T and Silvex, are presently listed as EPA Hazardous Waste No. F027—Discarded unused formulations containing tri-, tetra-, or pentachloro-phenol or discarded unused formulations containing compounds derived from these chlorophenols. The listed constituents of concern are tetra-, penta-, and hexachlorodibenzo-p-dioxins: tetra-, penta-, and hexachlorodibenzo-furans; and tri-, tetra-, and pentachlorophenols and their chlorophenoxy derivative acids, esters, ethers, amines, and other salts. Today's proposal to grant the petition for delisting is the result of the Agency's evaluation of RCB's petition.

The sale, distribution, and proper use of pesticides in the U.S. is regulated under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136 *et seq.*, as administered by the Office of Pesticide Programs of EPA. Each use for each pesticide must be approved and registered by EPA. Under certain conditions, EPA also has the power to suspend or cancel a pesticide's registration. In February 1979, the Administrator issued emergency suspension orders and notices of intent to cancel the registrations for a number of uses of 2,4,5-T and Silvex. Among the products affected by these actions were certain 2,4,5-T and Silvex products registered by Union Carbide Corporation. These Union Carbide 2,4,5-T and Silvex registrations were finally cancelled in November 1984; all other registrations of 2,4,5-T and Silvex were cancelled by February 1985.

At the time that the Union Carbide registrations were cancelled, Union Carbide owned existing stocks of 2,4,5-T and Silvex. When a pesticide registration is suspended and subsequently cancelled pursuant to section 6 of FIFRA, sections 15 and 19 of FIFRA require the Agency to (1) indemnify owners of the pesticide for losses they incurred because of these actions, and (2), if requested, assume responsibility for disposing of the cancelled pesticides. Pursuant to these provisions of FIFRA, EPA assumed responsibility for the proper managment and safe disposal of the 2,4,5-T and Silvex pesticides from Union Carbide.

The cancelled pesticides were stored by Union Carbide, prior to transfer to EPA control, at several facilities. The majority of the materials were held at the Byers Warehouse in St. Joseph, Missouri. Smaller amounts of products and associated wastes were stored in Ambler, Pennsylvania; Williamson, New York; and the Union Carbide plant in St. Joseph, Missouri. As part of the Agency's plan to manage these pesticide wastes, RCB intends to incinerate them in the MIS and to landfill the resulting ash. Approximately 110 tons to liquid pesticide products, 330 tons of solid pesticide products, and 105 tons of pesticide packing materials will be incinerated. In addition, approximately 4 tons of contaminated liquid and 70 tons of contaminated solid materials generated during the incineration and handling process will also be incinerated. RCB may also incinerate these materials concurrently with other materials if these materials are covered by an earlier exclusion granted to the RCB for the MIS (*see* 50 FR 30271, July 25, 1985).

RCB claims that the incineration residues from the treatment of the 2,4,5-T and Silvex should be excluded because they will not meet the criteria for which they were listed. RCB further claims that the petitioned residues will contain insignificant amounts of the constituents of concern for F027 listed wastes, and will not exhibit any of the characteristics of hazardous waste. RCB also claims that the residues will not be hazardous for any other reason.

To support its claims, RCB submitted (1) detailed characterizations of the pesticides that will be incinerated, including product specification sheets,

material safety data sheets (MSDS), and analyses of constituents in Appendix VIII of Part 261 for the major liquid 2,4,5-T product and the major solid Silvex product; (2) detailed descriptions of the incinerator; and (3) a sampling and analysis plan to verify that the conditional delisting levels (discussed later in this notice) are met.

2. Delisting History of the MIS

On July 25, 1985, EPA granted a final exclusion to RCB for certain wastes generated by the MIS (*see* 50 FR 30272) (hereafter referred to as the "Denney Farm" petition). That exclusion included several conditions requiring monitoring of certain wastestreams from the MIS. Specifically, each waste stream batch had to be analyzed for mercury, selenium, and chromium EP toxicity levels.

On September 3, 1987, EPA proposed to grant another exclusion involving the MIS, this time for residues from the treatment of dioxin-contaminated sludge from the Syntex Agribusiness facility in Springfield, Missouri (*see* 52 FR 33439). The "Syntex proposal" addressed a number of process modifications made to the MIS. In addition, this proposal was for an "upfront exclusion". This allowed Syntex to provide a characterization of the untreated sludge before incineration would be initiated (as opposed to waiting for actual incineration results) and, if the proposal were made final, would grant an exclusion requiring Syntex to sample and analyze the incineration residues for a number of constituents of concern. If the concentrations of any of these constituents were to exceed levels of concern established in the final exclusion, Syntex would be required to retreat that batch or dispose of that batch as a hazardous waste. The levels of concern were established through the application of the groundwater transport model described earlier in today's notice (*see* Section I.B.). Similar levels were not applied during the evaluation of the Denney Farm petition because this model was not available at that time. (The Agency notes that there are some differences between the Syntex proposal and today's notice. These differences reflect the Agency's evolving approach toward the MIS, analytical methods, and comments received on the Syntex proposal. The Agency is looking into these differences.)

3. Information Submitted with Delisting Petition

RCB submitted descriptions of the materials to be burned under their eclusion if their petition is granted. This information included catalogs of the materials as well as analytical data which characterized the hazardous constituents likely to be present in the untreated pesticide stockpiles. The materials to be incinerated are summarized in Tables 1 and 2.

Table 1.—Catalog of Pesticide Materials to be Incinerated

	Weight (lbs)
Liquids (all from the Byers site):	
Envert DT	201,709
Emulsavert 100	4,106
Emulsamine 2,4,5-T	2,820
Emulsavert 248	1,358
Dinoxol	1,000
Weedone BK64	1,071
Amchem 2,4,5-TP	1,669
Weedar Amine BK	492
Emulsamine BK	98
Unknown liquids	2,465
Solids:	
Weedone—granular lawn weed killer (Byers)	664,007
Weedone—granular lawn weed killer (Williamson)	2,100

Table 2.—Catalog of Miscellaneous Materials to be Incinerated

	Weight (lbs)
Liquids:	
Decontamination liquids (generated at Byers, Williamson, and Ambler)	4,200
Contaminated liquids (generated at the MIS site)	3,330
Solids:	
Packing materials (gaylords, trash, pallets, drums, containers from Byers)	208,283
Gaylord boxes of floor sweepings, trash, and packing materials from Williamson	1,135
Gaylord boxes of floor sweepings and packing materials from Ambler	3,300
Packets, drums, floor sweepings from St. Joseph, MO	930
Trash (generated at the MIS site and during transport, including suits, gloves, boots, wipers, etc.)	50,000
Sludge (from wastewater treatment)	20,000
Contaminated solids (including ash, filters, and sweepings)	70,000

Because RCB has requested an "upfront" delisting, there are no analytical data from actual treatment residues, generated from the incineration of the pesticides, available for the Agency's review. In order to characterize the hazardaus constituents of the materials listed in Tables 1 and 2, RCB submitted three types of compositional data. The first type of data was the pesticide product formulation statements for each of the commercial products to be incinerated. These statements, developed by the manufacturer, identify each commercial component of the product by name, percent of composition, and purpose. RCB also provided material safety data sheets (MSDS) for a number of the commercial products and for components of the commercial products which potentially contained hazarouds constituents (*e.g.*, as listed in Appendix VIII of Part 261). Finally, RCB provided the results of an Appendix VIII analytical scan (using SW-846 methods) for two samples of Envert DT (which represents almost 95 percent of the liquid product which will be incinerated) and two samples of the Weedone solid product.

The volume of Envert DT and Weedone accounts for approximately 98 percent of the materials listed in Table 1; the remaining 2 percent consist of product formulations with the same active ingredients but varying formulations of inert materials. These two products represent 72 percent of the total volume of materials to be incinerated (*i.e.*, all of the materials listed in Tables 1 and 2). Each of the two samples of Envert DT represent a composite of aliquots taken from 10 different 55-gallon drums. The two samples of the granular Weedone product also each represent a composited sample from 10 randomly selected containers. The majority of the materials listed in Table 2 are materials contaminated with the two major products or are derived from the treatment of these products.

Table 3 summarizes the hazardous constituents identified in the untreated commercial products from the product formulation statements and the MSDS. Tables 4, 5, and 6 summarize the maximum concentrations of hazardous organics, dioxins, and metals, respectively, identified by RCB's analyses of the two Envert DT and two Weedone samples. Table 7 summarizes analytical data collected by EPA Region VII on the average and maximum concentrations of 2,3,7,8-TCDD in the 10 pesticide products to be incinerated.

TABLE 3.—MAXIMUM ORGANIC CONSTITUENT CONCENTRATIONS (PERCENT) IDENTIFIED FROM PRODUCTS FORMULATION STATEMENTS AND MSDS (UNTREATED PESTICIDES)

Products	Hazardous constituent concentrations			
	2,4,5-T	Silvex	2,4-D	Dimethylamine
Envert DT	17.71		18.14	
Emulsavert 100	11.95		11.95	
Emulsamine 2,4,5-T	34.38			
Emulsavert 248	12.28		6.14	
Dinoxol	31.68		32.45	
Weedone BK64	20.23		42.26	
Weedar Amine BK	20.60		20.60	10.70
Amchem 2,4,5-TP		70.07		
Emulsamine Brushkiller	17.28		17.16	
Weedone-granular		1.61	3.22	1.16

TABLE 4.—MAXIMUM ORGANIC CONSTITUENT CONCENTRATIONS (PPM) IDENTIFIED FROM PRODUCTS ANALYSES (UNTREATED PESTICIDES)

Constituents	Products	
	Envert DT	Weedone
Acetone	250	0.63
Aldrin		1.4
Bis (2-ethyl hexyl) phthalate	250	
Chlordane	2,100	
4-Chloro-3-methylphenol	220	
2,4-D	69,000	17,000
2,4-DB	390,000	
2,4-Dichlorophenol	1,400	480
Dichlorovos	23	
Diethyl phthalate	5,800	
Disulfoton	40	
Endosulfan I	480	
Ethoprop	320	
Ethyl benzene	150	0.11
Fenthion	8	
Fluorene	820	
Isophorone	1,500	
Methyl parathion	220	
Mevinphos	140	
Naphthalene	140	
N-Nitrosodiphenylamine	890	
Pentachloropnenol		84
Phenanthrene	1,200	
Stirophos	1,200	
Toluene	130	0.14
2,4,5-T	54,000	2,500
2,4,5-TP	7,400	11,000
2,4,5-Tricholorophenol	7,100	
2,4,6-Tricholorophenol		460
Xylenes, total	650	0.22

TABLE 5.—MAXIMUM PCDD/PCDF CONCENTRATIONS (PPB) IDENTIFIED FROM PRODUCT ANALYSES (UNTREATED PESTICIDES)

Homolog	Products	
	Envert DT	Weedone
2,3,7,8-TCDD	9.70	0.86
2,3,7,8-TCDF	ND	ND
TCDD	8.00	0.95
PeCDD	1.90	ND
HxCDD	8.60	ND
TCDF	10.10	2.20
PeCDF	3.50	0.52
HxCDF	3.80	ND

TABLE 6.—MAXIMUM LEACHATE CONCENTRATIONS OF THE EP TOXIC METALS IDENTIFIED FROM PRODUCT ANALYSES (UNTREATED PESTICIDES)

Constituents	Products	
	Envert DT	Weedone
	(ug/g)[1]	(mg/1)
Arsenic	<10.3	0.005
Barium	4.0	2.0
Cadmium	0.85	0.01
Chromium	1.9	<0.02
Lead	15.2	<0.066
Mercury	0.91	0.006
Selenium	<11.2	<0.002
Silver	<4.1	<0.004

[1] Per EPA's Toxicity Test (40 CFR Part 261 App. II), the liquid Envert DT sample was filtered and analyzed directly.

TABLE 7.—AVERAGE AND MAXIMUM 2,3,7,8,-TCDD CONCENTRATIONS DETECTED IN UNTREATED PESTICIDE PRODUCTS BY EPA REGION VII (PPB)

	Average	Maximum
Weedone Granular Weed Killer	0.71	1.52
Envert DT	1.72	7.83
Emulsavert 100	30.9	30.9
Emulsamine 2,4,5-T	4,100	9,780
Emulsavert 248	20.2	20.2
Dinoxol	45.2	45.2
Weedone BK64	20.9	20.9
Amchem 2,4,5-TP	9.16	9.16
Weedar Amine BK	15.9	15.9
Emulsamine Brushkiller	22.8	22.8

RCB also proposed a list of organic constituents (shown in Table 8) that could serve as delisting parameters (*i.e.*, treatment residues would be analyzed for these constituents to verify that the wastes are not hazardous). Table 8 includes constituents expected to be present in the pesticide treatment residues, as well as products of incomplete combustion that are: (a) Commonly seen in incineration of complex waste materials, and (b) anticipated as possible incinceration by-products of the feed materials. Table 8 also lists those parameters previously monitored as part of the MIS Denny Farm petition (*See* 50 *FR* 23721, June 5, 1985).

TABLE 8.—RCB'S PROPOSED ORGANIC CONSTITUENTS FOR VERIFICATION MONITORING

Chlorinated dibenzo-p-dioxins
Chlorinated dibenzofurans
Acenaphthalene
Acenapthene
Benz(a)Anthracene
Benz(a)pyrene
Benz(b)fluoranthene
Benzene
Biphenyl
Bis(2-ethylhexyl)phthalate
Chlorobenzene
Chloroform
Chloromethane
2-Chloronaphthalene
Chlorophenol
Chrysene
Dibenzo(a,h)anthracene
1,2-Dichlorobenzene
1,3-Dichlorobenzene
1,4-Dichlorobenzene
1,2-Dichloroethane
Dichloroethane
2,4-Dichlorophenol
2,5-Dichlorophenol
3,4-Dichlorophenol
2,4-Dichlorophenoxy acetic acid
Diethyl phthalate
Fluorthene
Hexachlorophene
Hydrogen cyanide
Indene
Indeno(1,2,3,-c,d)pyrene
Naphthalene
Phenanthrene
Phenol
Polychlorinated biphenyls (PCBs)
Pyrene
1,2,4,5-Tetrachlorobenzene
1,2,3,5-Tetrachlorobenzene
1,2,3,5-Tetrachlorophenol
1,2,4,5-Tetrachlorophenol
2,3,4,6-Tetrachlorophenol
Tetrachloroethylene
Toluene
1,2,4-Trichlorobenzene
2,3,4-Trichlorophenol
2,4,5-Trichlorophenol
2,4,6-Trichlorophenol
2,4,5,Trichlorophenol
2,4,5-Trichlorophenoxy acetic acid

Based on an evaluation of the volume of pesticides and related materials to be

incinerated and the expected residue generation rates (based on past experience in MIS operation), RCB predicts that maximums of 335 tons of ash, 2,050 tons of wastewater, 35 tons of cyclone ash, and 10 tons of separator solids will be generated.

A detailed description of the MIS prior to modification is presented in the proposed exclusion for the Denney Farm petition (*see* 50 FR 23721, June 5, 1985). A description of the recent modifications to the MIS is included in the proposal for the Syntex petition (*See* 52 FR 33439, September 3, 1987). An additional modification to the MIS since September 1987 includes the addition of sand particulate filters and two Calgon carbon Disorb units for the sequential treatment of wasterwater prior to final disposal. The carbon units, when expended, will be processed through the incinerator as part of the decontamination procedures.

4. Agency Evaluation

Review of this petition included consideration of the original listing criteria as well as the additional factors required by the Hazardous and Solid Waste Amendments (HSWA) of 1984. *See* section 222 of the Amendments, 42 U.S.C. 6921(f); 40 CFR 260.22(d)(2)–(4).

The Agency considers the product characterization data supplied by RCB to be sufficient to permit analysis of the petition, and considers the reported analytical data to be representative of the cancelled 2,4,5-T and Silvex and related materials listed in Tables 1 and 2. The volume of the two major products analyzed (*i.e.*, Envert DT and Weedone) consists of over 98 percent of the pesticide products to be incinerated and over 70 percent of the volume of all the materials to be incinerated. These analyses are also representative of the remaining 30 percent of the materials to be incinerated (*see* Table 2) because these materials are inert materials which are either (1) contaminated by the pesticides themselves and thus are effectively dilute versions of the pesticides, or (2) treatment residues derived from the pesticides. In addition, since the sampled pesticides were commercial grade materials which were manufactured under conditions designed to minimize compositional fluctuations, the Agency believes that the two analyses of each product are representative of the products in general. The Agency, therefore, believes that the samples taken from the two major product formulations adequately represent the compositions of the materials to be incinerated.

The Agency will include monitoring and testimg requirements in RCB's exclusion in order to ensure that the MIS is capable of generating non-hazardous treatment residues when incinerating the cancelled pesticides. Specifically, RCB will be required to submit analytical testing results on a batch basis for certain metals and organics (identified by the characterization of the untreated pesticides as well as potential products of incomplete combustion) for each petitioned waste stream to demonstrate that the MIS actually performs as expected. The Agency believes that this upfront conditional delisting is appropriate because (1) the composition of the materials to be incinerated is relatively uniform, (2) the MIS has been demonstrated to be effective in the detoxification of dioxin-contaminated hazardous wastes (see regulatory docket for details) and (3) the results of the batch verification testing will provide validation that the MIS is operating effectively.

The Agency, therefore, proposes to grant an exclusion for the solid residues and wastewater generated from EPA's Mobile Incineration System's treatment in McDowell, Missouri, of the 2,4,5–T and Silvex and related materials listed in Tables 1 and 2 with the following conditions:

(1) The incinerator is monitored continuously and is in compliance with permit conditions.

The purpose of this condition is to ensure efficient destruction of the constituents of concern. The MIS's performance will be continuously monitored to ensure that it meets operating parameters specified in its permit for destruction efficiencies, kiln temperature, secondary combustion chamber (SCC) temperature, oxygen and carbon monoxide concentrations in the exhaust gas, combustion gas velocity, scrubber water pH and flow rates, and pressure drops across the system. If the data collected under this condition show that the MIS is not operating properly, the residues must be retreated to achieve the delisting levels or must be disposed in accordance with Subtitle C of RCRA.

(2) Four grab samples of wastewater must be composited from the volume of filtered wastewater collected after each eight hour run and, prior to disposal, the composite samples must be analyzed for the EP toxic metals, nickel, and cyanide. If arsenic, chromium, lead, and silver EP leachate test results exceed 0.44 ppm; barium levels exceed 8.8 ppm; cadmium and selenium levels exceed 0.09 ppm; mercury levels exceed 0.02 ppm; nickel levels exceed 4.4 ppm; or cyanide levels exceed 1.8 ppm, the wastewater must be retreated to achieve these levels or disposed in accordance with Subtitle C of RCRA. Analyses must be performed according to SW–846 methodologies.

(3) One grab sample must be taken from each drum of kiln ash generated during each eight hour run; all grabs collected during a given eight hour run must then be composited to form one composite sample.

One grab sample must be taken from each drum of cyclone ash generated during each eight hour run; all grabs collected during a given eight hour run must then be composited to form one composite sample. A composite sample of four grab samples of the separator sludge must be collected at the end of each eight hour run. Prior to disposal of the residues from each eight hour run, an EP leachate test must be performed on these composite samples and the leachate analyzed for the EP toxic metals, nickel, and cyanide. If arsenic, chromium, lead, and silver EP leachate test results exceed 1.6 ppm; barium levels exceed 32 ppm; cadmium and selenium levels exceed 0.3 ppm; mercury levels exceed 0.07 ppm; nickel levels exceed 16 ppm; or cyanide levels exceed 6.5 ppm, the wastes must be retreated to achieve these levels or must be disposed in accordance with Subtitle C of RCRA. Analyses must be performed according to SW–846 methodologies.

Conditions (2) and (3) have been included to ensure that the residues generated by the MIS when incinerating the cancelled pesticides and related materials are non-hazardous with respect to the EP toxic metals, nickel and cyanide.

(4) RCB must generate, prior to disposal of residues, verification data from each eight hour run for each treatment residue (*i.e.*, kiln ash, cyclone ash, separator sludge, and filtered wastewater) to demonstrate that the maximum allowable treatment residue concentrations listed below [Tables 9 and 10] are not exceeded. Samples must be collected as specified in conditions (2) and (3). Analyses must be performed according to SW–846 methodologies. Any solid or liquid residues which exceed any of the levels listed below [in Tables 9 or 10, respectively] must be retreated to achieve these levels or disposed in accordance with Subtitle C of RCRA.

TABLE 9.—MAXIMUM ALLOWABLE SOLID TREATMENT RESIDUE CONCENTRATIONS (PPM)

Constituents	Maximum allowable [1] concentrations
Aldrin	0.015
Benzene	9.7
Benzo(a)pyrene	0.43
Benzo(b)fluoranthene	1.8
Chlordane	0.37
Chloroform	5.4
Chrysene	170
Dibenz(a,h)anthracene	0.083
1,2-Dichloroethane	4.1
Dichloromethane	2.4
2,4-Dichlorophenol	480

TABLE 9.—MAXIMUM ALLOWABLE SOLID TREATMENT RESIDUE CONCENTRATIONS (PPM)—Continued

Constituents	Maximum allowable [1] concentrations
Dichlorvos	260
Disulfaton	23
Endosulfan I	310
Fluorene	120
Indeno(1,2,3,cd)pyrene	330
Methyl parathion	210
Nitrosodiphenylamine	130
Phenanthrene	150
Polychlorinated biphenyls	0.31
Tetrachloroethylene	59
2,4,5-TP (silvex)	110
2,4,6-Trichlorophenol	3.9

[1] Assumes solids waste volume of 355 tons.

TABLE 10.—MAXIMUM ALLOWABLE WASTEWATER CONCENTRATIONS (PPM)

Constituents	Maximum allowable [1] concentrations
Acetone	35.3
Aldrin	0.000018
Benzene	0.044
Benzo(a)pyrene	0.000027
Benzo(b)fluoranthene	0.00018
Biphenyl	15.5
Bis-2-ethylhexyl phthalate	6.18
Chlordane	0.00024
Chlorobenzene	8.84
Chloroform	0.052
Chrysene	0.0018
2,4-D	3.5
Dibenz(a,h)anthracene	0.000006
Dichloromethane	0.042
1,3-Dichlorobenzene	34
1,4-Dichlorobenzene	0.66
1,2-Dichlorobenzene	26.5
1,2-Dichloroethane	0.044
2,4-Dichlorophenol	0.88
Dichlorvos	0.78
Diethyl phthalate	4,418
Disulfaton	0.016
Endosulfan I	0.020
Ethyl benzene	35
Fluoranthene	1.77
Fluorene	0.018
Indeno(1,2,3,cd)pyrene	0.0018
Isophorone	61.9
Methyl chloride	35.3
Methyl parathion	0.099
Napthalene	79.5
Nitrosodiphenylamine	0.063
Pentachlorophenol	8.8
Phenanthrene	0.018
Phenol	8.8
Polychlorinated biphenyls	0.000072
Pyrene	35
Tetrachloroethylene	0.059
2,3,4,6-Tetrachlorophenol	8.8
Toluene	88.4
2,4,5-TP (silvex)	0.088
1,2,4-Trichlorobenzene	6.2

TABLE 10.—MAXIMUM ALLOWABLE WASTEWATER CONCENTRATIONS (PPM)—Continued

Constituents	Maximum allowable [1] concentrations
2,4,6-Trichlorophenol	0.018
2,4,5-Trichlorophenol	35
2,4,5-Trichlorophenoxyacetic acid	0.88
Xylene	619

[1] Assumes a wastewater volume of 2,050 tons.

The maximum allowable waste concentrations for the metals and cyanide given in conditions (2) and (3) were derived from the regulatory standards for these constituents and the vertical and horizontal spread (VHS) model (*see* 50 FR 48996, Appendix, November 27, 1985). The maximum allowable waste concentrations discussed in condition (4) and listed in Tables 9 and 10 were derived from the Organic Leachate Model (OLM) (*see* 51 FR 41084, November 13, 1986) and the VHS model. The OLM is used to predict leachable concentrations of organic constituents in a waste. The VHS model if used to predict the concentration of a constituent in the ground water at a hypothetical compliance point. The maximum allowable wastewater concentrations were calculated by back-calculating from regulatory standards through the VHS model to predict allowable concentrations. The organic concentrations for the solid residues were back-calculated through the OLM from the predicted VHS model leachate concentrations.

Maximum allowable treatment residue concentrations were not calculated for 18 compounds (*i.e.*, acenaphthalene, acenaphthene, 4-chloro-3-methylphenol, 2-chlorophthalene, 2-chlorophenol, 2,5-dichlorophenol, 3,4-dichlorophenol, dimethyl amine, ethoprop, fenthion, hexachlorophene, indene, mevinphos, stirophos, 1,2,3,5-tetrachlorobenzene, 1,2,3,5-tetrachlorophenol, 2,3,4,5-tetrachlorophenol, 2,3,4-trichlorophenol) which were detected in the untreated pesticides or are potential products of incomplete combustion in the treatment residues, because regulatory standards are not currently available for these compounds due to a lack of toxicity data. If any of these standards become available before this rule is promulgated, they will be added to the lists in Tables 9 and 10.

An additional number of constituents detected in the untreated pesticides or identified as potential products of incomplete combustion were not included in Table 9 (*i.e.*, acetone, biphenyl, bis-2-ethylhexyl phthalate, chlorobenzene, 2,4-D, 1,3-dichlorobenzene, 1,4-dichlorobenzene, 1,2-dichlorobenzene, diethyl phthalate, ethyl benzene, fluoranthene, isophorone, methyl chloride, naphthalene, pentachlorophenol, phenol, pyrene, 2,3,4,6-tetrachlorophenol, toluene, 1,2,4-trichlorobenzene, 2,4,5-trichlorophenol, 2,4,5-trichlorophenoxyacetic acid, xylene). The results of the OLM and VHS analysis (which are available in the docket to this notice) indicate that these constituents do not present a risk from a groundwater exposure scenario unless present in concentrations greater than 1,000 ppm in the solid treatment residues. The Agency believes that it is highly unlikely that any of these constituents could be present at such high levels following incineration in the MIS. This conclusion is supported by (1) the low or non-existent levels of many of these constituents in the untreated residues (*see* Table 4), (2) analytical test results on residues generated previously by the MIS (*see* Tables 4 and 5, 50 FR 23725, June 5, 1985 and additional data in the docket to this notice), and (3) the MIS's demonstrated ability to achieve 99.9999 percent destruction and removal efficiency (DRE) as required by 40 CFR 264.343(a)(2).

Condition (4) was added to ensure that the hazardous constituents of concern in the untreated pesticides and the present at non-hazardous levels. As a matter of policy, the Agency will not regulate the residue as hazardous if RCB does not detect a constituent listed in Tables 9 or 10 at or above the lowest practical quantitation limit (using the appropriate SW-86 methodology correctly). If, however, the data collected under condition (4) indicate that the constituents are detected at levels higher than those listed in Table 9 or 10, the waste must be retreated or must be disposed in accordance with Subtitle C of RCRA.

(5) RCB must generate, prior to disposal of residues, verification data from each eight hour run for each treatment residue (*i.e.*, kiln ash, cyclone ash, separator sludge, and filtered wastewater) to demonstrate that the residues do not contain tetra-, penta-, or hexachlorodibenzo-p-dioxins or furans at levels of regulatory concern. Samples must be collected as specified in conditions (2) and (3). The TCDD equivalent levels for solids must be less than 5 ppt and for wastewater the levels must be below 0.002 ppt. Any residues with detected dioxins or furans in excess of these levels must be retreated or

disposed as acutely hazardous. Method 8290, a high resolution gas chromatography and high resolution mass spectroscopy (HRGC/HRMS) analytical method, must be used. The maximum practical quantitation limit must not exceed 10 ppt for solids and 100 ppg for wastewaters.

This condition has been added to ensure that the dioxin destruction is at least as effective as demonstrated in the original Denney Farm exclusion. The toxicity equivalent levels are calculated by multiplying the factors listed below by any detected levels of tetra-, penta-, or hexachlorodibenzo-p-dioxin or-furan and summing the values for comparison to the equivalent levels set in condition (5). When RCB is able to determine that a detected homolog is not 2,3,7,8-substituted, the factors listed in the third column may be used (*i.e.*, listed under "Non-2,3,7,8-PCDDs and PCDFs"). If RCB determines that either 2,3,7,8-substituted homologs are present or that the analysis cannot differentiate the ring substitution pattern, then the factors listed in the second column must be used.

TOXICITY EQUIVALENCE FACTORS

Homolog	2,3,7,8-PCDDs and PCDFs or unspecified homologs	Non-2,3,7,8-PCDDs and PCDFs
TCDDs	1	0.01
PeCCDs	0.5	0.005
HxCDDs	0.04	0.0004
TCDFs	0.1	0.001
PeCDFs	0.1	0.001
HxCDFs	0.01	0.0001

These factors were developed by the Agency's Chlorinated Dioxins Workgroup (CDWG) to assess the risks associated with exposure to a mixture of chlorinated dioxin homologs, and were derived from an evaluation of the structure-activity relationships of the homologs using their carcinogenic, reproductive, and biochemical effects.[1] The levels set in Condition (5) were determined by back-calculating through the OLM and VHS model, as discussed under condition (4).

As a matter of policy, the Agency will not regulate the residue as hazardous if RCB does not detect dioxins or furans at or above the lowest practical quantitation limit (using the appropriate SW-846 methodology correctly).

In anticipation of a planned expansion of SW-846 by the EPA Office of Solid Waste (OSW) and the EPA Environmental Monitoring and Systems Laboratory in Las Vegas (EMSL/LV) to incorporate HRGC/HRMS Method 8290, EPA is requiring that RCB use Method 8290. EPA intends to require this method for all future delisting petitions for dioxin-contaminated wastes, including the exclusion for Syntex if it is made final. Method 8290 has been subjected to a rigorous development and single laboratory validation process by OSW and EMSL/LV. A full description of the method is available in the docket to this notice.

EPA is also specifying in Condition(5) that the petitioner achieve certain practical quantitation limits (PQLs) when analyzing the petitioned residues under this verification condition. EPA currently believes that labs that are performing method 8290 on incineration matrices (which are fairly free of interferences) should be able to achieve PQLs of 10 ppt for solids and 100 ppg for wastewaters. The Agency will require these PQLs as the maximum acceptable PQLs. EPA is specifying that the petitioner provide PQLs rather than minimum detection limits (MDL) for the following reasons:

- PQLs provide a reasonable degree of certainty that true values, rather than false negatives (or false positives), are presented. (If the true sample concentration is equal to the MDL, the analytical results will not be quantitative, *i.e.*, will be reported as "less than the MDL" on about 50 percent of all analyses.)
- The PQL takes into account a number of factors that are generally difficult to control and that contribute to the uncertainty associated with the MDL, such as high background levels, significant matrix interference, and operator and instrument variability. PQLs therefore provide a greater degree of certainty as the the actual constituent concentrations.

Other examples of instances where the Agency suggests or is proposing to establish PQLs (rather than MDLs) include a proposed rulemaking for setting PQLs for volatile organic contaminants in drinking water (*see* 50 FR 46902, November 13, 1985) as well as SW-846 Methods 8240 and 8270 for GC/MS measurements of organic contaminants.

PQLs are usually determined through interlaboratory studies of the analytical methods. In the absence of rigorous interlaboratory studies, the Agency has estimated PQLs to be from approximately 3 to 10 times the MDL. Based on data submitted by a number of EPA laboratories which have routinely conducted Method 8290, the MDL for dioxin is generally below 5 ppt for solids and 40 ppg for wastewaters. Using a factor of three to determine the resultant PQL, most highly qualified laboratories should be able to achieve PQLs of 15 ppt for solids and 10 ppg for wastewaters. EPA believes that for the purposes of delisting dioxin-contaminated wastes, even lower PQLs should be achievable, that is, 10 ppt for solids and 100 ppg for wastewaters. Our basis for the use of these lower PQLs for dioxin is that:

- The petitioned residues to be analyzed will be relatively free of interferences due to the incineration process.
- The petitioner will be using highly qualified and experienced operators and laboratories to conduct the analyses.

If the data collected under condition (5) show higher levels than are acceptable, the wastes must be retreated or must be disposed as acutely hazardous in accordance with Subtitle C of RCRA.

(6) The test data from conditions (1), (2), (3), (4), and (5) must be kept on file by RCB for inspection purposes and must be compiled, summarized, and submitted to the Assistant Administrator for Solid Waste and Emergency Response by certified mail on a monthly basis and when the treatment of the cancelled pesticides is concluded. The testing requirements for conditions (2), (3), (4), and (5) will continue until RCB provides the Assistant Administrator with the results of four consecutive batch analyses for the petitioned wastes, none of which exceed the maximum allowable levels listed in these conditions and the Assistant Administrator notifies RCB that the conditions have been lifted. All data submitted will be placed in the RCRA docket.

This conditional testing requirement will remain in effect until RCB can demonstrate that four consecutive batches of the petitioned residues are non-hazardous, that is, the constituents in the wastes do not exceed any of the delisting levels listed in Conditions 2, 3, 4 or 5, and the wastes do not exhibit any of the characteristics of hazardous waste. The Agency has added the testing termination provisions to this exclusion for the following reasons: (1) Based on the past performance of the MIS, the Agency believes that consistently non-hazardous wastes can be generated and thus testing every batch for the EP toxic metals, nickel, cyanide, dioxins, furans, and the organics listed in Tables 9 and 10 would be excessive (*see* Tables 4 and 5; 50 *FR* 23725, June 5, 1985; and additional data in the docket to this notice); (2) the petitioner will be providing analytical data, on a batch basis, of the treatment residues which will be generated when representative volumes of pesticides and related materials will be burned, eliminating the need for continuous testing since this demonstration will be

[1] Risk Assessment Forum, "Interim Procedures for Estimating Risk Associated with Exposures to Mixtures of Chlorinated Dibenzo-p-Dioxins and-Dibenzofurans (CDDs and CDFs)", October, 1986.

representative of the residues which will be generated throughout the remainder of the production burns; and (3) the material to be incincerated are not expected to vary significantly on a compositional basis and thus the residues should also be compositionally similar from batch to batch.

Termination of these conditions after four consecutive clean batches is consistent with existing policy that petitioners submit a minimum of four representative samples in support of their petitions for delisting. The data from the four consecutive clean batches must be submitted to the Assistant Administrator for the Office of Solid Waste and Emergency Response for review before any of the testing conditions are terminated; the Agency will notify RCB when the conditions are lifted and will place all relevant data in the public docket.

(7) RCB must provide a signed copy of the following certification statement when submitting data in response to the conditions listed above: "Under civil and criminal penalty of law for the making or submission of false or fraudulent statements or representations, I certify that the information contained in or accompanying this document is true, accurate and complete. As to the (those) identified section(s) of this document for which I cannot personnally verify its (their) truth and accuracy, I certify as the Agency official having supervisory responsibility for the persons who, acting under my direct instructions, made the verification that this information is true, accurate and complete."

Condition (7) is a standard condition for all conditional and upfront exclusions.

5. Conclusion

The agency believes that the engineering descriptions of the MIS and the analytical characterization of the untreated cancelled pesticides submitted by RCB, in conjunction with the proposed testing requirements, provide a reasonable basis to grant RCB's petition for an upfront exclusion. The MIS has been demonstrated to be an effective technology for the detoxification of other dioxin-contaminated materials, and the Agency expects that the treatment residues from the incineration of the cancelled pesticides and related materials also will be non-hazardous. The confirmatory data (*e.g.*, conditions (2) through (5)) should demonstrate that the MIS can actually meet the terms of the proposed exclusion.

Although the management of an excluded waste is relieved from RCRA Subtitle C jurisdiction, the generator of a delisted waste must either treat or dispose of the waste in an on-site facility, or ensure that the waste is delivered to an off-site storage, treatment, or disposal facility, either of which is: permitted, licensed, or registered by a State to manage municipal or industrial solid waste. Alternatively, the delisted waste may be delivered to a facility which beneficially uses or reuses, or legitimately recycles or reclaims the waste; or treats the waste prior to such beneficial use, reuse, recycling, or reclamation.

If made final, the exclusion will only apply to the processes covered by the original demonstration. The facility would require a new exclusion if the treatment process is altered, and accordingly would need to file a new petition. The facility must treat its waste as hazardous until a new exclusion is granted.

III. Effective Date

This rule, if promulgated, will become effective immediately. The Hazardous and Solid Waste Amemdments of 1984 amended section 3010 of RCRA to allow rules to become effective in less than 6 months when the regulated community does not need the 6-month period to come into compliance. That is the case here because this rule, if promulgated, will reduce, rather than increase, the existing requirements for persons generating hazardous wastes. In light of the unnecessary hardship and expense which would be imposed on this petitioner by an effective date 6 months after promulgation and the fact that a 6-month deadline is not necessary to achieve the purpose of Section 3010, EPA believes that this rule should be effective immediately upon promulgation. These reasons also provide a basis for making this rule effective immediately, upon promulgation, under the Administrative Procedure Act, pursuant to 5 U.S.C. 553(d).

IV. Regulatory Impact

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirements of a Regulatory Impact Analysis. This proposal to grant an exclusion is not major since its effect, if promulgated, will be to reduce the overall costs and economic impact of EPA's hazardous waste management regulations. This reduction would be achieved by excluding wastes generated at a specific facility from EPA's lists of hazardous wastes, thereby enabling the facility to treat its waste as nonhazardous. There is no additional economic impact, therefore, due to today's rule. This proposal is not a major regulation, therefore, no Regulatory Impact Analysis is required.

V. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601–612, whenever an Agency is required to publish a general notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis which describes the impact of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). The Administrator may certify, however, that the rule will not have a significant economic impact on a substantial number of small entities.

This amendment, if promulgated, will not have an adverse economic impact on small entitles since its effect will be to reduce the overall costs of EPA's hazardous waste regulations and is limited to one facility. Accordingly, I hereby certify that this regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities. This regulation, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 261

Hazardous materials, Waste treatment and disposal Recycling.

Authority: Sec. 3001, RCRA, 42 U.S.C. 6921.

Date: December 24, 1987.

Marcia Williams,

Director, Office of Solid Waste.

For the reasons set out in the preamble, 40 CFR Part 261 is proposed to be amended as follows:

PARTS 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

1. The authority citation for Part 261 continues to read as follows:

Authority: Secs. 1006, 2002(a), 3001, and 3002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), 6912, and 6922).

2. In Appendix IX, add the following waste stream in alphabetical order to Table 1 as indicated:

TABLE 1.—WASTES EXCLUDED FROM NON-SPECIFIC SOURCES

Facility	Address	Waste description
EPA's Mobile Incineration System (MIS)	McDowell, MO	Kiln ash, cyclone ash, separator sludge, and filtered wastewater (except spent activated carbon) (EPA Hazardous Waste No. F027) generated during the treatment of cancelled pesticides containing 2,4,5-T and Silvex and related materials by the EPA's Mobile Incineration System at the Denney Farm Site in McDowell, Missouri after [insert date of final rule publication in the Federal Register], so long as: (1) The incinerator is monitored continuously and is in compliance with permit conditions; (2) Four grab samples of wastewater must be composited from the volume of filtered wastewater collected after each eight hour run and, prior to disposal, the composite samples must be analyzed for the EP toxic metals, nickel, and cyanide. If arsenic, chromium, lead, and silver EP leachate test results exceed 0.44 ppm; barium levels exceed 8.8 ppm; cadmium and selenium levels exceed 0.09 ppm; mercury levels exceed 0.02 ppm; nickel levels exceed 4.4 ppm; or cyanide levels exceed 1.8 ppm, the wastewater must be retreated to achieve these levels or disposed in accordance with Subtitle C of RCRA. Analyses must be performed according to SW-846 methodologies. (3) One grab sample must be taken from each drum of kiln ash generated during each eight hour run; all grabs collected during a given eight hour run must then be composited to form one composite sample. One grab sample must be taken from each drum of cyclone ask generated during each eight hour run; all grabs collected during a given eight hour run must then be composited to form one composite sample. A composite sample of four grab samples of the separator sludge must be collected at the end of each eight hour run. Prior to the disposal of the residues from each eight hour run, an EP leachate test must be performed on these composite samples and the leachate analyzed for the EP toxic metals, nickel, and cyanide. If arsenic, chromium, lead, and silver EP leachate test results exceed 1.6 ppm; barium levels exceed 32 ppm; cadmium and selenium levels exceed 0.3 ppm; mercury levels exceed 0.07 ppm; nickel levels exceed 16 ppm; or cyanide levels exceed 6.5 ppm, the wastes must be retreated to achieve these levels or must be disposed in accordance with Subtitle C of RCRA. Analyses must be performed according to SW-846 methodologies. (4) RCB must generate, prior to disposal of residues, verification data from each treatment residue (*i.e.*, kiln ash, cyclone ash, separator sludge, and filtered wastewater) to demonstrate that the maximum allowable treatment residue concentrations listed below are not exceeded. Samples must be collected as specified in conditions (2) and (3). Analyses must be performed according to SW-846 methodologies. Any solid or liquid residues which exceed any of the levels listed below must be retreated to achieve these levels or disposed in accordance with Subtitle C of RCRA. Solid and sludge concentrations must not exceed the following levels: Aldrin 0.015 ppm Benzene 9.7 ppm Benzo (a) pyrene 0.43 ppm Benzo (b) fluoranthene 1.8 ppm Chlordane 0.37 ppm Chloroform 5.4 ppm Chrysene 170 ppm Dibenz (a, h) anthracene 0.083 ppm 1,2 Dichloroethane 4.1 ppm Dichloroethane 2.4 ppm 2,4 Dichlorophenol 480 ppm Dichlorvos 260 ppm Disulfaton 23 ppm Endosulfan I 310 ppm Fluroene 120 ppm Indeno (1,2,3,cd) pyrene 330 ppm Methyl parathion 210 ppm Nitrosodiphenylamine 130 ppm Phenanthrene 150 ppm Polychlorinated biphenyls 0.31 ppm Tetrachloroethylene 59 ppm 2,4,5-TP (silvex) 110 ppm 2,4,6-Trichlorophenol 3.9 ppm Detected wastewater concentrations must not exceed the following levels: Acetone 35.3 ppm

TABLE 1.—WASTES EXCLUDED FROM NON-SPECIFIC SOURCES—Continued

Facility	Address	Waste description
		Aldrin 0.000018 ppm Benzene 0.044 ppm Benzo (a) pyrene 0.000027 ppm Benzo (b) fluoranthene 0.00018 ppm Biphenyl 15.5 ppm Bis-2-ethylhexyl phthalate 6.18 ppm Chlordane 0.00024 ppm Chlorobenzene 8.84 ppm Chloroform 0.052 ppm Chrysene 0.0018 ppm 2,4-D 3.5 ppm Dibenz (a,h) anthracene 0.000006 ppm Dichloromethane 0.042 ppm 1,3-Dichlorobenzene 34 ppm 1,4-Dichlorobenzene 0.66 ppm 1,2-Dichlorobenzene 26.5 ppm 1,2-Dichloroethane 0.044 ppm 2,4-Dichlorophenol 0.88 ppm Dichlorvos 0.78 ppm Diethyl phthalate 4,418 ppm Disulfaton 0.016 ppm Endosulfan I 0.020 ppm Ethyl benzene 35 ppm Fluoranthene 1.77 ppm Fluorene 0.018 ppm Indeno (1,2,3,cd) pyrene 0.0018 ppm Isophorone 61.9 ppm Methyl chloride 35.3 ppm Methyl parathion 0.099 ppm Naphthalene 79.5 ppm Nitrosodiphenylamine 0.063 ppm Pentachlorophenol 8.8 ppm Phenanthrene 0.018 ppm Phenol 8.8 ppm Polychlorinated biphenyls 0.000072 ppm Pyrene 35 ppm Tetrachloroethylene 0.059 ppm 2,3,4,6-Tetrachlorophenol 8.8 ppm Toluene 88.4 ppm 2,4,5-TP (silvex) 0.088 ppm 1,2,4-Trichlorobenzene 6.2 ppm 2,4,6-Trichlorophenol 0.018 ppm 2,4,5-Trichlorophenol 35 ppm 2,4,5-Trichlorophenoxyacetic acid 0.88 ppm Xylene 619 ppm; (5) RCB must generate, prior to disposal of residues, verification data from each eight hour run for each treatment residue (*i.e.*, kiln ash, cyclone ash, separator sludge, and filtered wastewater) to demonstrate that the residues do not contain tetra-, penta-, or hexachlorodibenzo-p-dioxins or furans at levels of regulatory concern. Samples must be collected as specified in conditions (2) and (3). The TCDD equivalent levels for solids must be less than 5 ppt and for wastewater the levels must be below 0.002 ppt. Any residues with detected dioxins or furans in excess of these levels must be retreated or must be disposed as acutely hazardous. Method 8290, a high resolution gas chromatography and high resolution mass spectroscopy (HRGC/HRMS) analytical method, must be used. The maximum practical quantitation limit must not exceed 10 ppt for solids and 100 ppq for wastewaters; (6) The test data from conditions (1), (2), (3), (4) and (5) must be kept on file by RCB for inspection purposes and must be compiled, summarized, and submitted to the Assistant Administrator for Solid Waste and Emergency Response by certified mail on a monthly basis and when the treatment of the cancelled pesticides and related materials is concluded. The testing requirements for conditions (2), (3), (4), and (5) will continue until RCB provides the Assistant Administrator with the results of four consecutive batch analyses for the petitioned wastes, none of which exceed the maximum allowable levels listed in these conditions and the Assistant Administrator notifies RCB that the conditions have been lifted. All data submitted will be placed in the RCRA docket.

TABLE 1.—WASTES EXCLUDED FROM NON-SPECIFIC SOURCES—Continued

Facility	Address	Waste description
		(7) RCB must provide a signed copy of the following certification statement when submitting data in response to the conditions listed above: "Under civil and criminal penalty of law for the making or submission of false or fraudulent statements or representations, I certify that the information contained in or accompanying this document is true, accurate, and complete. As to the (those) identified section(s) of this document for which I cannot personally verify its (their) truth and accuracy, I certify as the Agency official having supervisory responsibility for the persons who, acting under my direct instructions, made the verification that this information is true, accurate and complete."

[FR Doc. 87-30178 Filed 12-31-87; 8:45 am]
BILLING CODE 6560-50-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 391

[FHWA Docket No. MC-87-17]

Qualifications of Drivers; Diabetes

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Extension of comment period.

SUMMARY: The FHWA issued an advanced notice of proposed rulemaking (ANPRM) regarding drivers of commercial vehicles with diabetes which was published in the **Federal Register** on November 25, 1987. The FHWA has received two formal requests for extension of the comment period, and we have been advised that additional requests will be forthcoming. Therefore, the FHWA is extending the comment period. The FHWA will not consider any further requests for extension.

DATES: Written comments must be received on or before February 1, 1988.

ADDRESS: All signed, written comments should refer to the docket number that appears at the top of this document and should be submitted (preferably in triplicate) to Room 4205, Office of Chief Counsel, 400 Seventh Street, SW., Washington, DC 20590. All comments received will be available for examination at the above address from 8:30 a.m. to 3:30 p.m., ET, Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas P. Kozlowski, Office of Motor Carrier Standards, (202) 366-2981; or Ms. Julie A. White, Office of Chief Counsel, (202) 366-1353, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., ET, Monday through Friday, except legal holidays.

SUPPLEMENTARY INFORMATION: The American Trucking Associations, Inc. (ATA) and the International Brotherhood of Teamsters have requested an extension of the comment period for the rulemaking, Qualifications of Drivers; Diabetes. The Teamsters requested a minimum 30-day extension, and the ATA requested an extension of no earlier than February 1, 1988. Both petitioners cited the technical nature of the ANPRM and, that the original comment period coincides with the holiday season. The FHWA agrees with the position of the petitioners and is extending, by this notice, the period of comment to February 1, 1988.

List of Subjects in 49 CFR Part 391

Driver qualifications-diabetic standard, Highways and roads, Highway safety, Motor carriers, Physical standards, Reporting and recordkeeping requirements.

(Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety)

(49 U.S.C. App. 2505; 49 U.S.C. 3102; and 49 CFR 1.48.)

Issued on: December 28, 1987.

R.D. Morgan,

Executive Director.

[FR Doc. 87-30118 Filed 12-31-87; 8:45 am]
BILLING CODE 4910-22-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

Draft Supplemental Environmental Impact Statement; Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds; Extension of Comment Period

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Extension of comment period.

SUMMARY: In the September 22, 1987, **Federal Register** (at 52 FR 35563) the Fish and Wildlife Service announced the availability of Draft Supplemental Environmental Impact Statement: Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds, and set the closing date for public comment at December 31, 1987. Based on comments and inquiries received to date by the Service, an extension of the comment period is warranted. Therefore, the closing date for public comment on the Draft is extended to January 31, 1988. The Fish and Wildlife Service does not expect that the extension will delay issuing its Final Supplemental Statement and publishing its Record of Decision by July 1, 1988.

DATE: Written comments are requested by January 31, 1988.

ADDRESSES: Copies of the Draft can be obtained by writing to: Director (FWS/MBMO), U.S. Fish and Wildlife Service, Washington, DC 20240, or by visiting the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Room 536 Matomic Building, 1717 H Street NW., Washington, DC 20240. Written comments can be sent to the same address.

FOR FURTHER INFORMATION CONTACT: Rollin D. Sparrowe, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Washington, DC 20240 (202-254-3207).

Date December 28, 1987.

Frank Dunkle,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 87-30115 Filed 12-31-87; 8:45 am]
BILLING CODE 4310-55-M

Notices

Federal Register
Vol. 53, No. 1
Monday, January 4, 1988

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ARMS CONTROL AND DISARMAMENT AGENCY

Visiting Scholars Program

The U.S. Arms Control and Disarmament Agency (ACDA) will conduct a competition for selection of visiting scholars to participate in ACDA's activities during the 1988–89 school year.

Section 28 of the Arms Control and Disarmament Act (22 U.S.C. 2568) provides that "A program for visiting scholars in the field of arms control and disarmament shall be established by the Director [of the U.S. Arms Control and Disarmament Agency] in order to obtain the services of scholars from the faculties of recognized institutions of higher learning."

The law states that "The purpose of the program will be to give specialists in the physical sciences and other disciplines relevant to the Agency's activities an opportunity for active participation in the arms control and disarmament activities of the Agency and to gain for the Agency the perspective and expertise such persons can offer. * * * Fellows shall be chosen by a board consisting of the Director, who shall be the chairperson, and all former Directors of the Agency." In honor of the first Director of ACDA, William C. Foster, who served from the inception of ACDA in 1961 to 1969 and died on October 15, 1984, scholars are known as William C. Foster Fellows.

ACDA initially implemented this program by competitively selecting six visiting scholars for the 1984–85 school year to perform specific activities at ACDA for which their services had been identified as being needed. This process was repeated for the 1985–86, 1986–87, and 1987–88 school years and it is intended that the process will be used again this year with one-year assignments beginning at a mutually agreeable time during the period from July 1988 lasting until mid September 1989 for the positions in ACDA's four bureaus described in the Appendix to this announcement. Note that the emphasis is on the expertise and service which the visiting scholars can provide rather than on general interest in arms control and the pursuit of the scholars' own research.

It is planned that the visiting scholars will be assigned by detail and compensated in accordance with the Intergovernmental Personnel Act. In addition to pay based on their regular salary rates, the visiting scholars will receive travel to and from the Washington, DC area for their one-year assignment and either per diem allowance during the one-year assignment or relocation costs.

Visiting scholars must be citizens or nationals of the United States and on the faculty of a recognized institution of higher learning. Prior to appointment they will be subject to full-field background security and loyalty investigation for a top secret security clearance including access to Restricted Data, as required by Section 45 of the Arms Control and Disarmament Act. Visiting scholars also will be subject to applicable Federal conflict of interest laws and standards of conduct.

Selections will be made without regard to race, color, religion, sex, national origin, age, or physical handicap which does not interfere with performance of duties, and all qualified persons are encouraged to apply. Applications should be in the form of a letter indicating the position(s) in which the applicant is interested and the perspective and expertise which the applicant offers. The letter should be accompanied by a curriculum vitae, and any other materials such as letters of reference and samples of published articles which the applicant believes should be considered in the selection process. (If published materials are submitted, it is requested that they be provided in twelve copies, if possible.)

Applications, and any requests for additional information, should be sent to: Visiting Scholars Program, Attention: Personnel Officer, Room 5722, U.S. Arms Control and Disarmament Agency, Washington, DC 20451. The application deadline for assignments for the 1988–89 school year is January 31, 1988, subject to extension at ACDA's option. Announcement of selection, subject to security clearance procedures, is expected early spring 1988.

Dated: December 24, 1987.

William J. Montgomery,

Administrative Director.

Appendix

A. Visiting Scholar Assignments to the Bureau of Multilateral Affairs of ACDA

1. Description of the Bureau of Multilateral Affairs

The Bureau of Multilateral Affairs (MA) has primary responsibility within ACDA for arms control issues dealt within multilateral fora. The Conference on Disarmament, the Mutual and Balanced Force Reduction negotiations, the Conference on Security and Cooperation in Europe, and the United Nations General Assembly are the most important examples. MA provides both technical backstopping and diplomatic support to these substantive activities as well as to other negotiations which seek to reduce forces in Central Europe, to build confidence, to ban radiological weapons, to study negative security assurances, to limit military expenditures, to research nuclear weapons free zones, and to eliminate chemical and biological weapons.

2. Nature of Assignment (MA/ISP)

The International Security Program Division of the Bureau of Multilateral Affairs (MA/ISP) has responsibility for the Conference on Disarmament (CD) which started life in 1979 as a multilateral arms control negotiating forum in Geneva, although its ancestry dates back to the Ten Nation Disarmament Committee of the late 1950's. The CD now consists of 40 members, including most members of the Warsaw Pact and NATO as well as 21 non-aligned nations. Its annual session is divided into two parts, February-April and June-August. Active items on its agenda include chemical weapons (the U.S. submitted a draft convention to ban all chemical weapons in 1984), radiological weapons, outer space and nuclear testing.

The First Committee of the United Nations General Assembly is the other major forum for which MA/ISP has responsibility. The U.S. delegation coordinates the U.S. position on disarmament resolutions with other Western and non-aligned delegations, as

appropriate, and participates in the general debate. The General Assembly has no direct authority over the CD, but the CD transmits annual reports on its work to the United Nations, and the First Committee may pass resolutions recommending courses of action to the CD.

A visiting scholar assigned to MA/ISP would study the CD and General Assembly forums, in part through the daily responsibilities of interagency coordination and delegation work. The Visiting Scholar would study selected issues on the CD agenda to assess negotiating possibilities for the U.S.

The Conference on Security and Cooperation in Europe (CSCE) will be in session in Vienna during this period, considering, among other things, the outcome of the Conference on Confidence and Security Building Measures and Disarmament in Europe (CDE) which has recently concluded in Stockholm. The future of the CDE will be decided by its parent CSCE conference, with a key issue being the agenda of a follow-on CDE conference.

Closely tied to follow-on CDE conference issue are talks for a mandate on negotiations for the reduction of conventional forces in Europe, also taking place in Vienna, Austria. These negotiations will succeed the Mutual Balance Force Reduction talks, ongoing since 1973 without notable progress.

A visting scholar assigned to this Division of the Bureau of Multilateral Affairs (MA/ISP) would analyze the interrelationships of these various negotiations for the purpose of assessing their future roles within the larger framework of U.S. national security policies. In addition, the scholar would study the more general problems and the possibilities of conventional arms control in Europe.

3. Candidate Qualifications (MA/ISP)

Specific useful background for a candidate would include knowledge of European political and military issues and familiarity with NATO defense doctrine. Previous experience and research on arms control and national security issues would be valuable.

B. Visiting Scholar Assignments to the Bureau of Verification and Intelligence of ACDA

1. Description of the Bureau of Verification and Intelligence

The Bureau of Verification and Intelligence (VI) has responsibility for ACDA's work in verification, compliance, intelligence, operations analysis, and computer support. VI provides the support in these subject areas for the strategic and theater nuclear arms control negotiations; the Standing Consultative Commission; the Anti-Ballistic Missile, SALT I and SALT II Treaties; the Limited Test Ban Treaty and Threshold Test Ban Treaty and the agreements on chemical and biological weapons.

2. Nature of the Assignment

VI develops verification requirements for arms control agreements being negotiated; reviews compliance with existing arms control agreements; conducts operations analysis of relevant arms control issues and Soviet views thereof; and evaluates the potential of various collection technologies for monitoring compliance with provisions of arms control agreements. A Visiting Scholar would be expected to participate in one or more of these activities by performing studies, drafting policy papers, and/or performing analyses both for use within ACDA and for coordination with other agencies. In some cases, the Visiting Scholar would represent ACDA on interagency working groups and would be called upon to exercise a relatively high degree of individual judgment.

Subject areas where a Visiting Scholar might contribute include: verification of a treaty on chemical weapons, verification of limits on space-based weapons and weapons which can attack space-based military assets, compliance with existing—and verification of proposed—treaty limitations on ballistic missiles and nuclear testing, or analysis of Soviet views on stability and their impact on verification.

3. Candidate Qualifications

Because of the complex technical and analytical content in these areas, VI seeks a physical scientist, operations analyst, or expert in Soviet strategy and doctrine with a broad background. Specific useful background for a candidate would include: knowledge of basic physics, chemistry, aerospace systems, operations research, or Soviet strategic studies. The Visiting Scholar should have facility in analytical writing and general communication and a proven ability to innovate. Specific background in the areas of VI responsibility would be a value, but is not a requirement.

C. Visiting Scholar Assignments to the Bureau of Strategic Programs of ACDA

1. Description of the Bureau of Strategic Programs

The Bureau of Strategic Programs (SP) has responsibility for support of the Director of ACDA on arms control matters concerning limitations on U.S. and Soviet strategic and theater nuclear offensive forces and defensive and space forces. This includes providing technical and policy guidance to the Director in these areas and participating in the policy deliberation of Interagency Groups responsible for these areas. SP also has responsibility for ACDA's participation in the Nuclear and Space Talks (NST) in Geneva, other bilateral U.S.-USSR arms control negotiations, and other defense related matters including ACDA participation in US decisions regarding research on ballistic missile defenses. NST includes strategic and theater nuclear arms control and defense and space issues. Other bilateral discussions include meetings of the Standing Consultative Commission (SCC) and preparation for the periodic Anti-Ballistic Missile (ABM) Treaty reviews. SP also has interagency responsibility for backstopping of the NST negotiations, the SCC, and ABM Treaty reviews. SP has three divisions: Strategic Affairs, Theater Affairs, and Defense and Space.

2. Nature of the Assignment

A visiting scholar assigned to SP would assist in policy formation in one or more of the areas cited above. Because of the high technical content in these areas, SP seeks a physical scientist with a broad theoretical or applied background.

The visiting scholar's responsibilities would include drafting position papers, background studies, and policy analyses, both for use within ACDA and for coordination with other agencies such as the Central Intelligence Agency, the Office of the Secretary of Defense, the Joint Chiefs of Staff, the Department of State, and Interagency Groups. In some cases, the individual would represent ACDA on interagency working groups. The visiting scholar would be called upon to exercise a relatively high degree of individual judgment in developing policy recommendations. There may be an opportunity to volunteer to serve on the staff of U.S. delegations to arms control negotiations. The most likely area of concentration for the visiting scholar would be strategic arms reduction policy, but this could vary according to the scholar's background and the needs of ACDA/SP.

3. Candidate Qualifications

Specific useful background for a candidate would include: knowledge of basic physics, facility in concise writing, general communication skills, and proven ability to innovate. Background

in areas of SP responsibility would be of value but is not a requirement.

D. Visiting Scholar Assignment to the Bureau of Nuclear and Weapons Control of ACDA

1. Description of the Bureau of Nuclear and Weapons Control

The Bureau of Nuclear and Weapons Control (NWC) has responsibility for nuclear non-proliferation issues, including the review of nuclear exports, support of the international safeguards system, and the promotion of the Nuclear Non-Proliferation Treaty and the Treaty of Tlatelolco. NWC also assesses the arms control implications of proposed arms transfers and technology transfers, and prepares Arms Control Impact Statements on U.S. programs and guides them through the interagency review process. In addition, NWC is responsible for ACDA's economic analysis work and coordinates publication of *World Military Expenditures and Arms Transfers.*

2. Nature of the Assignment

A visiting scholar assigned to NWC would work on selected topics within that Bureau's responsibility, with emphasis on issues raised by the interrelationships among U.S. policies on nuclear non-proliferation, the transfer of conventional arms, and the export of missile technology. The visiting scholar's responsibilities would include the preparation of analyses of these issues and recommendations on their implications for arms control.

The position would involve close coordination with officials in the Departments of State and Defense and other concerned agencies. In carrying out assigned duties, the individual would need to exercise initiative and function effectively with minimum direct guidance and supervision.

3. Candidate Qualifications

Desirable attributes for a candidate would include an understanding of the role of arms control in national security planning, familiarity with weapons characteristics and capabilities, knowledge of political-military conditions in developing regions, a highly-developed analytical ability, and facility in written and oral communications. Because of the complex political-military issues involved, the individual should have a strong background in national security studies or international relations.

[FR Doc. 87-30101 Filed 12-31-87; 8:45 am]
BILLING CODE 6820-32-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 46-87]

Application for Subzone, Allied Steel Auto Body Parts Plant, South Bend, IN; Foreign-Trade Zone 125—South Bend

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the St. Joseph County Airport Authority, grantee of FTZ 125, requesting special-purpose subzone status for the steel automobile body parts production facility of Allied Products Corporation, South Bend, Indiana. The application was submitted pursuant to the provisions of the Foreign-Trade Zone Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on December 18, 1987.

The plant (55 acres) is located at 601 W. Broadway Street in South Bend. The facility employs 600 persons and is used to produce steel body parts for automobiles. Some 30 percent of the plant's steel requirements are sourced abroad, primarily electroplated galvanized steel sheet. Over 30 percent of the finished body parts are exported.

Zone procedures would exempt Allied from duty payments on steel used in its exports. On the company's domestic shipments duties would be paid either at the rate applicable to auto body parts or, in the case of shipments to auto subzones, the rate applicable to finished autos. The duty rates on steel range from 4.9 to 6.5 percent, whereas the rate for body parts is 3.1 percent, and the rate for autos is 2.5 percent. The applicant indicates that zone procedures will help improve the company's international competitiveness.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: Dennis Puccinelli (Chairman), Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, DC 20230; Larry Shirk, Assistant District Director, U.S. Customs Service, North Central Region, 610 S. Carol Street, Chicago, Illinois 60607; and Colonel Robert F. Harris, District Engineer, U.S. Army Engineer District Detroit, P.O. Box 1027, Detroit, Michigan 48231.

Comments concerning the proposed subzone are invited in writing from interested parties. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before February 15, 1988.

A copy of the application is available for public inspection at each of the following locations:

St. Joseph County Airport Authority, Michiana Regional Airport, 4535 Terminal Drive, 2nd Floor, South Bend, Indiana 46628

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, 14th and Pennsylvania Avenue, NW., Room 1529, Washington, DC 20230.

Dated: December 23, 1987.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 87-30109 Filed 12-31-87; 8:45 am]
BILLING CODE 3510-DS-M

[Order No. 369]

Resolution and Order Approving the Application of the Louisville and Jefferson County Riverport Authority, for a Subzone for Toyota in Scott County, KY; Proceedings of the Foreign-Trade Zones Board, Washington, DC

Resolution and Order

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board has adopted the following Resolution and Order:

The Board, having considered the matter, hereby orders:

After consideration of the application of the Louisville and Jefferson County Riverport Authority, grantee of FTZ 29, filed with the Foreign-Trade Zones Board (the Board) on June 4, 1986, requesting special-purpose subzone status for the automobile manufacturing plant of Toyota Motor Manufacturing, U.S.C. Inc., in Scott County, Kentucky, adjacent to the Louisville Customs port of entry, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied, and that the proposal is in the public interest, approves the application.

The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

Grant of Authority To Establish A Foreign-Trade Subzone in Scott County, Kentucky

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," as amended (19 U.S.C. 81a–81u) (the Act). The Foreign-Trade Zones Board (the

Board) is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States;

Whereas, the Board's regulations (15 CFR 400.304) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved, and where a significant public benefit will result;

Whereas, the Louisville and Jefferson County Riverport Authority, grantee of Foreign-Trade Zone No. 29, has made application (filed June 4, 1986, Docket 19–86, 51 FR 21946) in due and proper form to the Board for authority to establish a special-purpose subzone at the automobile manufacturing plant of Toyota Motor Manufacturing, U.S.A., Inc. (Toyota), in Scott County, Kentucky, adjacent to the Louisville Customs port of entry;

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and

Whereas, the Board has found that the requirements of the Act and the Board's regulations are satisfied;

Now therefore, in accordance with the application filed June 4, 1986, the Board hereby authorizes the establishment of a subzone at the Toyota plant in Scott County, Kentucky, designated on the records of the Board as Foreign-Trade Subzone No. 29E at the location mentioned above and more particularly described on the maps and drawings accompanying the application, said grant of authority being subject to the provisions and restrictions of the Act and the Regulations issued thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditions and limitations:

Activation of the subzone shall be commenced within a reasonable time from the date of issuance of the grant, and prior thereto, any necessary permits shall be obtained from federal, state, and municipal authorities.

Officers and employees of the United States shall have free and unrestricted access to and throughout the foreign-trade subzone in the performance of their official duties.

The grant shall not be construed to relieve responsible parties from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said subzone, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and the District Army Engineer with the grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In witness whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer or his delegate at Washington, DC, this 18th day of December, 1987, pursuant to Order of the Board.

Gilbert B. Kaplan,

Acting Assistant Secretary of Commerce for Import Administration, Chairman, Committee of Alternates.

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 87–30110 Filed 12–31–87; 8:45 am]

BILLING CODE 3510-DS-M

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice of opportunity to request Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation.

Background: Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspension of investigation, an interested party as defined in section 771(9) of the Tariff Act of 1930 may request, in accordance with § 353.53a or 355.10 of the Commerce Regulations, that the Department of Commerce ("the Department") conduct an administrative review of that antidumping or countervailing duty order, finding, or suspended investigation.

Opportunity to Request a Review: Not later than January 31, 1988, interested parties may request administrative review of the following orders, findings, or suspended investigations, with anniversary dates in January for the following periods:

	Period
Antidumping Duty Proceeding:	
Cell-Site Transceivers from Japan	01/01/87–12/31/87
Anhydrous Sodium Metasilicate from France	01/01/87–12/31/87
Expanded Metal from Japan	01/01/87–12/31/87
Brass Sheet and Strip from Brazil	08/22/86–12/31/87
Brass Sheet and Strip from Canada	08/22/86–12/31/87
Brass Sheet and Strip from the Republic of Korea	08/22/86–12/31/87
Calcium Pantothenate from Japan	01/01/87–12/31/87
Potassium Permanganate from Spain	01/01/87–12/31/87
Low-Fuming Brazing Copper Wire and Rod from South Africa	01/01/87–12/31/87
Certain Stainless Steel Cooking Ware from Taiwan:	
Song Far Industry & Lyi Mean Industrial	04/08/86–12/31/87
All Others	07/07/86–12/31/87
Certain Stainless Steel Cooking Ware from the Republic of Korea	07/07/86–12/31/87
Potassium Permanganate from the People's Republic of China	01/01/87–12/31/87
Countervailing Duty Proceeding:	
Stainless Steel Wire Rod from Spain	01/01/87–12/31/87
Semi-Finished Forged Undercarriage Components from Italy	01/01/87–12/31/87
Brass Sheet and Strip from Brazil	11/10/86–12/31/87
Fresh Cut Flowers from Ecuador	10/27/86–12/31/87
Fabricated Automotive Glass from Mexico	01/01/87–12/31/87
Non-rubber Footwear from Argentina	01/01/87–12/31/87
Stainless Steel Cooking Ware from the Republic of Korea	11/26/86–12/31/87
Stainless Steel Cooking Ware from Taiwan	11/26/86–12/31/87
Suspended Investigation:	
Certain Red Raspberries from Canada	01/01/87–12/31/87
Roses and Other Cut Flowers from Colombia	01/01/87–12/31/87
Fresh Cut Flowers from Costa Rica	01/13/87–12/31/87
Miniature Carnations from Colombia	01/13/87–12/31/87
Truck Trailer Axle-and-Brake Assemblies from Hungary	01/01/87–12/31/87

Seven copies of the request should be submitted to the Acting Assistant Secretary for Import Administration, International Trade Administration, Room B–099, U.S. Department of Commerce, Washington, DC 20230.

The Department will publish in the **Federal Register** a notice of "Initiation of Antidumping (Countervailing) Duty Administrative Review," for requests received by January 31, 1988.

If the Department does not receive by January 31, 1988 a request for review of entries covered by an order or finding listed in this notice and for the period identified above, the Department will instruct the Customs Service to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of (or bond for) estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawl from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

This notice is not required by statute, but is published as a service to the international trading community.

Gilbert B. Kaplan,

Acting Assistant Secretary for Import Administration.

Dated: December 17, 1987.

[FR Doc. 87–30164 Filed 12–31–87; 8:45 am]

BILLING CODE 3510-D5-M

[A-428-061]

Precipitated Barium Carbonate From the Federal Republic of Germany; Final Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: On September 16, 1987, the Department of Commerce published the preliminary results of its administrative review on precipitated barium carbonate from the Federal Republic of Germany. The review covers one manufacturer/exporter of this merchandise and the period July 1, 1985 through June 30, 1986.

We gave interested parties an opportunity to comment on the preliminary results. We received no comments. The final results of review are unchanged from those presented in the preliminary results of review.

EFFECTIVE DATE: January 4, 1988.

FOR FURTHER INFORMATION CONTACT: Richard P. Bruno or Robert J. Marenick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-5255.

SUPPLEMENTARY INFORMATION:

Background

On September 16, 1987, the Department of Commerce ("the Department") published in the **Federal Register** (52 FR 34972) the preliminary results of its administrative review of the antidumping duty order on precipitated barium carbonate from the Federal Republic of Germany (46 FR 32884, June 25, 1981). The Department has now completed that review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of the Review

Imports covered by the review are shipments of precipitated barium carbonate, a chemical compound ($BaCO_3$), currently classifiable under item 472.0600 of the Tariff Schedules of the United States Annotated and under item 2836.60.00 of the Harmonized System. The review covers one manufacturer/exporter, Kali-Chemie AG, and the period July 1, 1985 through June 30, 1986.

Final Results of the Review

We invited interested parties to comment on the preliminary results. We received no comments. The final results of review are unchanged from those presented in the preliminary results of review, and we determine that no margin exists for the period July 1, 1985 through June 30, 1986. The Department will instruct the Customs Service not to assess antidumping duties on all appropriate entries. The Department will issue appraisement instructions directly to the Customs Service.

Further, as provided for by section 751(a)(1) of the Tariff Act, since there was no margin, the Department shall not require a cash deposit of estimated antidumping duties for Kali-Chemie AG. For any shipments from the one remaining known manufacturer/exporter not covered by this review, the cash deposit will continue to be the rate published in the final results of the last administrative review for that firm (50 FR 16330, April 25, 1985). For any future entries of this merchandise from a new exporter, not covered in this or prior administrative reviews, whose first shipments occurred after June 30, 1986, and who is unrelated to any reviewed firm, or any previously reviewed firm, no cash deposit shall be required. These deposit requirements are effective for all shipments of West German precipitated barium carbonate entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice and will remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53a of the Commerce Regulations (19 CFR 353.53a).

Date: December 24, 1987.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 87-30111 Filed 12-31-87; 8:45 am]

BILLING CODE 3510-DS-M

[C-559-701]

Postponement of Preliminary Countervailing Duty Determination; Carbon Steel Wire Rod from Singapore

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: Based upon the request of petitioners, Armco, Inc., Atlantic Steel Co., Georgetown Steel Corp., and Raritan River Steel Co., the Department of Commerce is postponing its preliminary determination in the countervailing duty investigation of carbon steel wire rod from Singapore. The preliminary determination will be made on or before February 1, 1988.

EFFECTIVE DATE: January 4, 1988.

FOR FURTHER INFORMATION CONTACT: Steven Morrison or Gary Taverman, Office of Investigations, Import Administration, International Trade Aministration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: 202/377-0189 (Morrison) or 202/377-0161 (Taverman).

SUPPLEMENTARY INFORMATION: On November 12, 1987, the Department initiated a countervailing duty investigation on carbon steel wire rod from Singapore. In our notice of initiation we stated that we would issue our preliminary determination on or before January 15, 1988 (52 FR 44197, November 18, 1987).

On December 17, 1987, the petitioner filed a request that the preliminary determination in this investigation to be postponed for 17 days.

Section 703(c)(1)(A) of the Tariff Act of 1930, as amended (the Act), provides that the preliminary determination in a countervailing duty investigation may be postponed where the petitioner has made a timely request for such a postponement. Pursuant to this provision, and the timely request by petitioner in this investigation, the Department is postponing its preliminary determination to no later than February 1, 1988.

This notice is published pursuant to section 703(c)(2) of the Act.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

December 24, 1987.

[FR Doc. 87-30112 Filed 12-31-87; 8:45 am]

BILLING CODE 3510-DS-M

[C-614-503]

Lamb Meat From New Zealand; Preliminary Results of Countervailing Duty Administrative Review

AGENCY: International Trade Administration, Import Administration Commerce.

ACTION: Notice of preliminary results of countervailing duty administrative review

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on lamb meat from New Zealand. We preliminarily determine the total bounty or grant to be 24.71 percent *ad valorem* for the period June 25, 1985 through March 31, 1986.

We invite interested parties to comment on these preliminary results.

EFFECTIVE DATE: January 4, 1988.

FOR FURTHER INFORMATION CONTACT: Cynthia Sewell or Paul McGarr, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377–2786.

SUPPLEMENTARY INFORMATION:

Background

On September 17, 1985, the Department of Commerce ("the Department") published in the **Federal Register** (50 FR 37708) the final affirmative countervailing duty determination and countervailing duty order on lamb meat from New Zealand. On September 24, 1986, the respondents, the New Zealand Meat Producers Board, the Meat Export Development Company and the New Zealand Lamb Company, requested in accordance with 19 CFR 355.10 an administrative review of the order. We published the initiation on October 24, 1986 (51 FR 37770). The Department has now conducted that administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of Review

The United States has developed a system of tariff classification based on the international harmonized system of Customs nomenclature. Congress is considering legislation to convert the United States to the Harmonized System ("HS") by January 1, 1988. In view of this, we will be providing both the appropriate Tariff Schedules of the United States Annotated ("TSUSA") item numbers and the appropriate HS item numbers with our product descriptions on a test basis, pending Congressional approval. As with the TSUSA, the HS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

We are requesting petitioners to include the appropriate HS item number(s) as well as the TSUSA item number(s) in all new petitions filed with the Department. A reference copy of the proposed Harmonized System schedule is available for consultation at the Central Records Unit, Room B–099, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Additionally, all Customs offices have reference copies, and petitioners may contact the Import Specialist at their local Customs office to consult the schedule.

Imports covered by the review are shipments of lamb meat from New Zealand. Such merchandise is currently classifiable under TSUSA item number 106.3000. These products are currently classifiable under HS item numbers 0204.1000—0, 0204.2220—0, 0204.2320—0, 0204.3000—0, 0204.4220—2 and 0204.4320—0. We invite comments from all interested parties on these HS classifications.

The review covers the period June 25, 1985 through March 31, 1986 and 10 programs. The New Zealand Lamb Company ("NZLC") was the only known exporter during the period of review.

Analysis of Programs

(1) Export Market Development Taxation Incentive (EMDTI)

Under the EMDTI, established in the 1979 Amendment to the Income Tax Act of 1976, exporters may receive tax credits for a certain percentage of their export market development expenditures. Qualifying expenditures include those incurred principally for seeking and developing new markets, retaining existing markets, and obtaining market information. An exporter who takes advantage of this tax credit may not deduct the qualifying expenditures as ordinary business expenses in calculating taxable income. During the period of review, the tax credit was 67.5 percent of the total qualifying expenditures, and the normal corporate tax rate in New Zealand was 45 percent. Because the program is limited to exporters, we preliminarily determine that it confers an export bounty or grant. The NZLC claimed EMDTI tax credits for lamb meat exports to the United States on its tax returns filed during the review period.

Since exporters may claim a tax credit equal to 67.5 percent of the qualifying expenditures but may not deduct these expenditures from income, which is taxable at 45 percent, the net benefit to the exporters is 22.5 percent of the qualifying expenditures. To calculate the benefit, we took 22.5 percent of NZLC's qualifying expenditures relating to lamb meat exports to the United States and allocated that amount over the total value of lamb meat exports to the United States during the period of review. On this basis, we preliminarily determine the benefit from this program to be 3.39 percent *ad valorem* for the period of review.

For the fiscal year ending March 31, 1987, the New Zealand Government increased the corporate tax rate to 48 percent and the tax credit to 69 percent. Consequently, the net benefit to exporters is 21 percent of qualifying expenditures relating to lamb meat exports. Since we verified this decrease in the differential between the rates for the tax credit and taxable income prior to this preliminary determination, we are taking into account the change in the benefit from this program. Therefore, for purposes of cash deposit of estimated countervailing duties, we preliminarily determine the benefit from this program to be 3.19 pecent *ad valorem*.

(2) Export Performance Taxation Incentive (EPTI)

Under the EPTI, exporters were entitled to receive a tax credit based on the f.o.b. value of qualifying goods exported under Section 156A of the Income Tax Act of 1976. Credits are available as a deduction against income tax payable. If the tax credit exceeds the income tax payable, the taxpayer receives the differences in cash.

The rate of the tax credit depends on the predetermined value-added category into which the product falls. Lamb meat falls under category D, for which the corresponding rate was 3.85 percent for NZLC's fiscal year ending December 1985, 1.925 percent for the fiscal year ending December 1986 and zero thereafter. NZLC claimed EPTI credits on its tax returns filed for fiscal years 1985 and 1986. Because this program is limited to exporters, we preliminarily determine that it confers an export bounty or grant.

We calculated the benefit from this program on a credit-as-earned basis, using the applicable EPTI rates on exports made during the review period. *See, Final Affirmative Countervailing Duty Determination: Certain Steel Wire Nails from New Zealand* (52 FR 37196, October 5, 1987). Because NZLC's fiscal year ends in December, two different EPTI rates were applicable during the review period. We multiplied these rates by the corresponding export sales of lamb meat to the United States and divided that result by the total of lamb meat exports to the United States during the period of review. On this basis, we preliminarily determine the benefit from this program to be 3.14 percent *ad valorem* for the review period.

During this review, we verified that the phase-out of EPTI benefits is proceeding on the schedule set forth in sections 156A(3A)–(3B) of the Income Tax Act. The EPTI rate earned on NZLC's exports shipped since April 1, 1987 is zero. Therefore, for purposes of cash deposit of estimated countervailing duties, we preliminarily determine the benefit from this program to be zero.

(3) Livestock Incentive Scheme

The Livestock Incentive Scheme was introduced in 1976 and is administered

by the Rural Banking and Finance Corporation. The program was set up to encourage farmers to increase permanently their number of livestock. Under the scheme, a farmer engaged in a stock increase program, for a minimum of one and a maximum of three years, may opt for one of two incentives: (1) An interest-free suspensory loan of NZ$12 for each additional stock unit carried, or (2) a deduction of NZ$24 from taxable income for each additional stock unit carried. If the livestock increase was met, farmers who elected to take out loans wrote the loans off as tax-free grants. For farmers electing the tax option, the provisional tax deduction could be applied toward tax liability in any of the three after completion of the development program.

Because benefits under this program are available only to farmers with livestock herds, we preliminarily determine that it is limited to a specific enterprise or industry, or group of enterprises or industries, and therefore confers a bounty or grant.

To calculate the benefit received from the loan option portion of the program, we treated the loan amounts forgiven as grants and allocated those benefits over five years, the average useful life of breeding stock. The discount rate chosen was the average interest rate on overdrafts between March 1985 and March 1986. For the loans that have not yet been forgiven, we treated the loan amounts as one-year, interest-free loans and measured the benefit using the interest rate described above as our benchmark. The benefit from the tax option was determined by multiplying the amount of the tax deduction used during the review period by the corporate tax rate. We added the value of the benefits from the loan and tax portions of the program and multiplied the result by a factor determined at verification to represent the value of lamb as a percentage of total sheep production. We then divided that result by the total value of lamb products sold during the review period. On this basis, we preliminarily determine the benefit from this program to be 1.36 percent *ad valorem* for the period of review.

(4) Meat Producers Board Price Support Scheme

The Meat Producers Board Price Support Scheme was established to insulate meat producers from fluctuations in market prices and to guarantee them a minimum return on export sales of their products. The scheme is administered by the Meat Producers Board ("the Board") and the Meat Export Prices Committee. It is financed through the Meat Income Stabilization Account ("MISA"), an overdraft account maintained by the Board at the Reserve Bank of New Zealand.

The Board has four primary sources of funds: (1) A levy set by the Board and collected by processors from lamb, sheep, and cattle growers at the time of slaughter; (2) return on investments; (3) short-term borrowings from commercial lenders in New Zealand and overseas; and (4) advances from the Meat Industry Reserve Account ("MIRA"). However, during the review period, disbursements from the MISA account were funded by advances from the government's MIRA account.

The Board has two methods for supporting the price of meat if the market price falls below the schedule price: (1) The Board purchases meat at the schedule price; or (2) the farmer sells lamb meat at the market price and then receives a deficiency payment equal to the difference between the market price and the schedule price. In both cases, the funds used to support the price are drawn from the MISA.

We would not consider minimum price support payments funded completely by producer levies to constitute a bounty or grant within the meaning of the countervailing duty law. However, this program operates to guarantee producers a minimum return on export sales and provides government funds to the Board on terms that are not available from commercial sources. Therefore, we preliminarily determine that the portion of the payments represented by government funds confers an export bounty or grant within the meaning of the countervailing duty law.

We calculated the benefit from this program by dividing the value of the government's contributions to the MISA account attributable to lamb meat during the period of review by the total value of lamb exported. On this basis, we preliminarily determine the benefit from this program to be 13.49 percent *ad valorem* during the period of review.

During verification, we found that the Meat Producers Board Price Support Scheme was terminated effective March 30, 1987. Therefore, for purposes of cash deposit of estimated countervailing duties, we preliminarily determine the benefit from this program to be zero.

(5) Supplementary Minimum Prices Scheme (SMP)

The SMP was established to augment the support payments provided under the Meat Producers Board Price Support Scheme. Each year the government established a supplementary minimum price support level that was set above the Board's schedule price. If the market price fell below the Board's schedule price, payments were then made through both the price support scheme and the SMP scheme.

In September 1984, the SMP was terminated and replaced with a lump-sum payment estimated to equal the value of payments that would have been provided under the SMP. The government guaranteed an interim lump-sum payment for one year after termination of the SMP. In July 1985, the Ministry of Agriculture and Fisheries provided an additional and final payment under the lump-sum scheme for the remainder of the 1984/85 season. Because price support payments provided under the lump-sum scheme were direct government payments limited to exporters, we preliminarily determine that they conferred an export bounty or grant.

To calculate the benefit from this program, we allocated the portion of the lump-sum payment attributable to lamb meat exports for the period June 25, 1985 through September 30, 1985 and divided that amount by the total value of lamb meat exported during the period of review. On this basis, we preliminarily determine the benefit from this program to be 3.33 percent *ad valorem* during the period of review.

During verification we found that the SMP scheme was terminated in September 1984, and that the lump-sum scheme was terminated in September 1985. Therefore, for purposes of cash deposit of estimated countervailing duties, we preliminarily determine the benefit from this program to be zero.

(6) Other Programs

We also examined the following programs and preliminarily determine that lamb meat exporters did not use them:

(a) Export Programme Grant Scheme

(b) Export Programme Suspensory Loan Scheme.

(c) Export Suspensory Loan Scheme.

(d) Regional Development Investigation Grants Scheme.

(e) Regional Development Suspensory Loan Scheme.

Preliminary Results of Review

As a result of our review, we preliminarily determine the total bounty or grant to be 24.71 percent *ad valorem* for the period June 25, 1985 through March 31, 1986.

Section 707 of the Tariff Act provides that the difference between the deposit of an estimated countervailing duty and the final assessed duty under a countervailing duty order shall be

disregarded to the extent that the estimated duty is less than the final assessed duty and refunded to the extent that the estimated duty is higher than the final assessed duty, for merchandise entered, or withdrawn from warehouse, for consumption before the date of publication of a final affirmative countervailing duty determination, which is this case was September 17, 1985 (50 FR 37708).

Therefore, the Department intends to instruct the Customs Service to assess countervailing duties of NZ$0.25/lb. on all shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after June 25, 1985 and before September 17, 1985 and to assess countervailing duties of 24.71 percent of the f.o.b. invoice price on all shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after September 17, 1985 and exported on or before March 31, 1986.

Because of the termination of the EPTI, the Meat Producers Board Price Support Scheme and the SMP and changes to the EMDTI program, the Department intends to instruct the Customs Service to collect a cash deposit of estimated countervailing duties of 4.55 percent of the f.o.b. invoice price on all shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. This deposit requirement will remain in effect until publication of the final results of the next administrative review.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice, and may request disclosure and/or a hearing within 7 days of the date of publication. Any hearing, if requested, will be held 30 days from the date of publication or the next workday following. Any request for an administrative protective order must be made no later than five days after the date of publication. The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any such written comments or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 355.10.

Joseph A. Spetrini,

Acting Assistant Secretary, Import Administration.

Date: December 24, 1987.

[FR Doc. 87-30113 Filed 12-31-87; 8:45 am]

BILLING CODE 3510-DS-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Import Restraint Limits for Certain Wool and Man-Made Fiber Textile Products from the Hungarian People's Republic effective on January 1, 1988

December 30, 1987.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on January 1, 1988. For further information contact Jerome Turtola, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port. For information on embargoes and quota re-openings, please call (202) 377-3715.

Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption, or withdrawal for consumption, of wool and man-made fiber textile products in Categories 433, 434, 435, 443, 444, 445/446, 448 and 645/646, in excess of the designated restraint limits.

Background

The Bilateral Wool Textile Agreement of February 15 and 25, 1983, as amended, between the Governments of the United States and the Hungarian People's Republic, and as translated to the new category system, establishes specific limits for wool and man-made fiber textile products in Categories 433, 434, 435, 443, 444, 445/446, 448 and 645/646, produced or manufactured in Hungary and exported during the twelve-month period beginning on January 1, 1988 and extending through December 31, 1988.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Ferenc Molnar,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 30, 1987.

Commissioner of Customs,
Department of the Treasury,
Washington, DC 20229

Dear Mr. Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as further extended on July 31, 1986; pursuant to the Bilateral Wool Textile Agreement of February 15 and 25, 1983, as amended, between the Governments of the United States and the Hungarian People's Republic; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1988, entry into the United States for consumption and withdrawal from warehouse for consumption of wool and man-made fiber textile products in the following categories, produced or manufactured in Hungary and exported during the twelve-month period beginning on January 1, 1988 and extending through December 31, 1988, in excess of the following restraint limits:

Category	12-mo. restraint limit
433	7,725 dozen.
434	7,500 dozen.
435	10,145 dozen.
443	88,188 numbers.
444	62,652 numbers.
445/446	41,212 dozen of which not more than 30,909 dozen shall be in Category 445 and not more than 30,909 shall be in Category 446.
448	19,772 dozen.
645/646	90,100 dozen.

To the extent that trade which now falls in the foregoing categories is within a category limit for the period January 1, 1987 through December 31, 1987, such trade, to the extent of any unfilled balances, shall be charged against the levels of restraint established for such goods during that period. In the event the limits established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this directive.

The levels set forth above are subject to adjustment in the future pursuant to the provisions of the bilateral agreement of

February 17 and 25, 1983, as amended, between the Governments of the United States and the Hungarian People's Republic, which provide, in part, that: (1) the levels of restraint may be exceeded by not more than five percent during an agreement year provided the increase is compensated for by an equal decrease in equivalent square yards in another specific limit, (2) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Ferenc Molnar,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87-30186 Filed 12-31-87; 8:45 am]

BILLING CODE 3510-DR-M

Announcing Import Restraint Limits for Certain Cotton and Man-Made Fiber Textile Products from Pakistan Effective on January 1, 1988

December 30, 1987.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on January 1, 1988. For further information contact Pamela Smith, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port or call (202) 343-6498. For information on embargoes and quota re-openings, please call (202) 377-3715.

Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption, and withdrawal from warehouse for consumption, of cotton and man-made fiber textile products, produced or manufactured in Pakistan and exported during the twelve-month period which begins on January 1, 1988 and extends through December 31, 1988, in excess of the designated limits.

Background

Under the authority of section 204 of the Agricultural Act of 1956, as amended, and the Bilateral Cotton, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Agreement, effected by exchange of notes dated May 20, 1987 and June 11, 1987, and as translated to the new category system, the Committee for the Implementation of Textile Agreements will establish for Pakistan, among other things, individual limits for certain cotton and man-made fiber textiles and textile products in Group I Categories 226, 313, 315, 331, 334, 335, 336, 338, 339, 340, 341, 342, 347/348, 351, 352, 363, 369-D; a group limit for Categories 200, 201, 218-225, 227, 229, 239, 300, 301, 314, 317, 326, 330, 332, 333, 337, 345, 349, 350, 353, 354, 359, 360-362, 369-S and 369-O, as a group (Group II), and within Group II individual limits for Categories 218, 219, 220, 224, 314, 317, 337, 350 and 369-S; individual limits in Group III for Categories 613/614, 615, 631, 634, 635, 636, 638/639, 640, 641, 647/648, 659 and 666; and an individual limit for Category 369-R, produced or manufactured in Pakistan and exported during the twelve-month period which begins on January 1, 1988 and extends through December 31, 1988.

Deferred overshipments of 1,441,025 square yards for Categories 613/614, and of 2,000,000 square yards for Category 615, are being charged in accordance with a July 1987 amendment to the agreement with Pakistan.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Ferenc Molnar,

Acting Chairman, Committee for the Implementation of Textile Agreements.

December 30, 1987.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as further extended on July 31, 1986; pursuant to the Bilateral Cotton, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Agreement, effected by exchange of notes dated May 20, 1987 and June 11, 1987, as amended, between the Governments of the United States and Pakistan; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1988, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in the following categories, produced or manufactured in Pakistan and exported during the twelve-month period beginning on January 1, 1988 and extends through December 31, 1988, in excess of the following restraint limits:

Category	12-mo. restraint limit
Group I:	
226	20,360,249 square yards.
313	55,123,898 square yards.
315	52,125,535 square yards.
331	695,000 dozen pairs.
334	42,373 dozen.
335	52,322 dozen.
336	140,255 dozen.
338	2,878,578 dozen.
339	645,422 dozen.
340	150,073 dozen.
341	259,489 dozen.
342	85,600 dozen.
347/348	337,664 dozen.
351	42,800 dozen.
352	214,000 dozen.
363	26,775,000 numbers.
369-D [1]	2,140,000 pounds of which not more than 802,500 pounds shall be in piled dish towels—TSUSA 366.1720, 366.1740, 366.2020, 366.2040, 366.2420, and 366.2440.
Group II:	
200, 201, 218-225, 227, 229, 239, 300, 301, 314, 317, 326, 330, 332, 333, 337, 345, 349, 350, 353, 354, 359, 360-362, 369-S [2], and 369-O [3], as a group.	65,102,983 square yards equivalent.

Category	12-mo. restraint limit
Sublevels within Group II:	
218	2,693,651 square yards.
219	3,344,722 square yards.
220	990,085 square yards.
224	782,267 square yards.
314	1,197,014 square yards.
317	4,384,420 square yards.
337	30,000 dozen.
350	25,000 dozen.
369-S	850,000 pounds.
Group III:	
600	285,714 pounds.
613/614	14,946,000 square yards.
615	15,900,000 square yards.
631	477,000 dozen pairs.
634	41,946 dozen.
635	16,949 dozen.
636	84,800 dozen.
638/639	212,000 dozen.
640	76,628 dozen.
641	85,022 dozen.
647/648	450,533 dozen.
659	150,000 pounds.
666	2,500,000 pounds.
Individual limit not in a Group:	
369-R [4]	15,000,000 pounds.

[1] In Category 369-D, dish towels in TSUSA number 365.6615, 366.1720, 366.1740, 366.2020, 366.2040, 366.2420, 366.2440 and 366.2860.

[2] In Category 369-S, only TSUSA number 366.2840.

[3] In Category 369-O, all TSUSA numbers except 365.6615, 366.1720, 366.1740, 366.1955, 366.2020, 366.2040, 366.2420, 366.2440, 366.2840 and 366.2860.

To the extent that trade which now falls in the foregoing categories is within a category limit for the period January 1, 1987 through December 31, 1987, such trade, to the extent of any unfilled balances, shall be charged against the levels of restraint established for such goods during that period. In the event the limits established for such goods during that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this directive.

Charge 1,441,025 square yards to Categories 613/614 and charge 2,000,000 square yards to Category 615.

The 1988 restraint limits are subject to adjustment in the future, as applicable, according to the provisions of the bilateral textile agreement, effected by exchange of noted dated May 20, 1987 and June 11, 1987, as amended, between the Governments of the United States and Pakistan, which provide, in part, that: (1) specific limits may be exceeded by designated percentages for swing, carryover and carryforward, and (2) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement referred to above will be made to you by letter.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Ferenc Molnar,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87-30191 Filed 12-31-87; 8:45 am]

BILLING CODE 3510-DR-M

Amendment of Import Restraint Limits and Restraint Period for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Sri Lanka

December 30, 1987.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on January 1, 1988. For further information contact Kimbang Pham, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port or call (202) 343-6580. For information on embargoes and quota re-openings, please call (202) 377-3715.

Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commisioner of Customs to amend the import limits for certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Sri Lanka and exported to the United States during the new restraint period which began on June 1, 1987 and extends through December 31, 1987.

Background

Pursuant to its authority under section 204 of the Agricultural Act of 1956, as amended, and the Bilateral Cotton, Wool and Man-Made Textile Agreement of May 10, 1983, as amended, CITA is amending the restraint limits for cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products in Categories 331, 333/633, 334-342, 345/845, 347, 348, 350, 351, 359-C/659-C, 363, 369pt., 442, 445/446, 631, 634, 635, 636/836, 638/639/838, 640, 641, 642/842, 644, 645/646, 647 and 648, produced or manufactured in Sri Lanka and exported to the United States during the new restraint period which began on June 1, 1987 and extends through December 31, 1987. Carryforward and carryover of 100 percent will be available in the foregoing categories between this and the next restraint periods.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

Adoption by the United States of the Harmonized Commodity Code (HCC) may result in some changes in the categorization of textile products covered by this notice. Notice of any necessary adjustments to the limits affected by adoption of the HCC will be published in the **Federal Register**.

Ferenc Molnar,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 30, 1987

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on May 12, 1987, as amended, which directed you to prohibit entry of certain categories of cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Sri Lanka and exported during the twelve-month period which began on June 1, 1987 and extends through May 31, 1988, in excess of the designated restraint limits.

Effective on January 1, 1988, the directive of May 12, 1987, as amended, is amended further to include the following restraint limits for the new restraint period which began on June 1, 1987 and extends through December 31, 1987.

Category	Amended Restraint Limit [1] June 1, 1987—December 31, 1987
331	633,931 dozen pairs.
333/633	21,313 dozen.

Category	Amended Restraint Limit [1] June 1, 1987—December 31, 1987
334	146,313 dozen.
335	85,110 dozen.
336	39,326 dozen.
337	69,595 dozen.
338	153,726 dozen.
339	262,175 dozen of which not more than 195,417 dozen shall be in category 339pt.[2]
340	306,241 dozen.
341	306,399 dozen.
342	117,978 dozen.
345/845	55,650 dozen.
347	243,347 dozen.
348	180,436 dozen.
350	33,072 dozen.
351	73,492 dozen.
359-C/659-C [3]	816,667 pounds.
363	4,417,670 numbers.
369-S [4]	555,113 pounds.
442	8,403 dozen.
445/466	65,175 dozen.
631	227,583 dozen pairs.
634	87,532 dozen.
635	121,514 dozen.
636/836	100,533 dozen.
638/639/838	282,917 dozen.
640	64,257 dozen.
641	306,399 dozen.
642/842	81,667 dozen.
644	16,168 dozen.
645/646	66,280 dozen of which not more than 44,187 dozen shall be in Category 646.
647	232,679 dozen.
648	104,214 dozen.

[1] The limits have not been adjusted to account for any imports exported after May 31, 1987.

[2] In Category 339pt., all TSUSA numbers except 384.0205, 384.0207, 384.0208, 384.0212, 384.0219, 384.0220, 384.0221, 384.2806, 384.2810, 384.2812, 384.2814, 384.2910, 384.2914 and 384.2915.

[3] In Category 359-C, only TSUSA numbers 381.0822, 381.6510, 384.0928 and 384.5222. In Category 659-C, only TSUSA numbers 381.3325, 381.9805, 384.2205, 384.2530, 384.8606, 384.8607 and 384.9310.

[4] In Category 369-S, only TSUSA number 366.2840.

To the extent that trade which now falls in the foregoing categories is within a category limit for the period June 1, 1986, through May 31, 1987, such trade, to the extent of any unfilled balances, shall be charged against the levels of restraint established for such goods during that period. In the event the limits established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this directive.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 533(a)(1).

Sincerely,

Ferenc Molnar,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87-30189 Filed 12-31-87; 8:45 am]

BILLING CODE 3510-DR-M

Announcement of Import Restraint Levels for Certain Cotton, Wool, Man-Made Fiber Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Sri Lanka Effective on January 1, 1988

December 30, 1987.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on January 1, 1988. For further information contact Kimbang Pham, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port or call (202) 343-6580. For information on embargoes and quota reopenings, please call (202) 377-3715.

Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile agreements directs the Commissioner of Customs, in accordance with the terms of the bilateral agreement, to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of textiles and textile products, produced or manufactured in Sri Lanka and exported during the five-month period beginning on January 1, 1988 and extending through May 31, 1988, in excess of the designated levels of restraint.

Background

Pursuant to its authority under section 204 of the Agricultural Act of 1956, as amended, The Cotton, Wool and Man-Made Fiber Textile Agreement of May 10, 1983, as amended, and as translated to the new category system, CITA will establish specific restraint limits for cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products in Categories 331, 333/633, 334, 335, 336, 337, 338, 340, 341, 342, 345/845, 347, 348, 350, 351, 359-C/659-C, 363, 369-S, 442, 445/446, 631, 634, 635, 636/836, 638/639/838, 640, 641, 642/842, 644, 645/646, 647 and 648, produced or manufactured in Sri Lanka and exported to the United States during the five-month period beginning on January 1, 1988 and extending through May 31, 1988.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Ferenc Molnar,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 30, 1987.

Commissioner of Customs,
Department of the Treasury,
Washington, DC. 20229.

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as further extended on July 31, 1986; pursuant to the Bilateral Cotton, Wool and Made-Made Fiber Textile Agreement of May 10, 1983, as amended, between the Governments of the United States and Sri Lanka; and in accordance with the provisions of Executive Order 11651 of March 3, 1982, as amended, you are directed to prohibit, effective on January 1, 1988, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products in the following categories, produced or manufactured in Sri Lanka and exported during the five-month period beginning on January 1, 1988 and extending through May 31, 1988, in excess of the indicated restraint limits:

Category	Five-month limit
331	451,088 dozen pairs.
333/633	12,808 dozen.
334	89,178 dozen.
335	59,543 dozen.
336	28,090 dozen.
337	49,626 dozen.

Category	Five-month limit
338	121,129 dozen.
339	174,753 dozen of which not more than 131,065 dozen shall be in other than tank tops and T-shirts.[1]
340	218,743 dozen.
341	218,857 dozen.
342	84,270 dozen.
345/845	39,750 dozen.
347	181,599 dozen.
348	121,103 dozen.
350	19,875 dozen.
351	46,375 dozen.
359-C/659-C[2]	583,333 pounds.
363	2,809,000 numbers.
369-S[3]	396,509 pounds.
442	5,050 dozen.
445/446	39,168 dozen.
631	136,768 dozen pairs.
634	59,648 dozen.
635	79,751 dozen.
636/836	60,417 dozen.
638/639/838	202,083 dozen.
640	48,301 dozen.
641	215,777 dozen.
642/842	58,333 dozen.
644	116,604 numbers.
645/646	47,343 dozen of which not more than 31,158 dozen shall be in Category 646.
647	177,546 dozen.
648	63,092 dozen.

[1] In Category 339pt., all TSUSA numbers except 384.0205, 384.0207, 384.0212, 384.0220, 384.0221, 384.2806, 384.2810, 384.2814, 384.2914 and 384.2915.

[2] In Category 359-C, only TSUSA numbers 381.0822, 381.6510, 384.0928 and 384.5222. In Category 659-C, only TSUSA numbers 381.3325, 381.9805, 384.2205, 384.2530, 384.6606, 384.8607 and 384.9310.

[3] In Category 369-S, only TSUSA number 366.2840.

To the extent that trade which now falls in the foregoing categories is within a category limit for the period June 1, 1987 through December 31, 1987, such trade, to the extent of any unfilled balances, shall be charged against the levels of restraint established for such goods during that period. In the event the limits established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this directive.

The limits set forth above are subject to adjustment in the future according to the provisions of the bilateral agreement of May 10, 1983, as amended, between the Governments of the United States and Sri Lanka, which provide, in part, that: (1) specific limits may be exceeded by designated percentages of square yard equivalent total in any agreement period, provided that the amount of the increase is compensated for by an equivalent decrease in one or more other specific limits; (2) specific limits may be increased for carryover and carryforward up to 11 percent of the applicable category limit or sublimit, of which not more than 6 percent can be used for carryforward; however, carryover will not be available in the agreement period during which the specific limit is first established; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any adjustments referred to above will be made to you by letter.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553 (a)(1).

Sincerely,

Ferenc Molnar,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87-30190 Filed 12-31-87; 8:45 am]

BILLING CODE 3510-DR-M

Amendment to Directive Changing VISA Systems for Thailand, Hong Kong, China, and All Other Countries Currently Under VISA Systems December 30, 1987.

The chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on January 4, 1988. For further information concerning Thailand, Hong Kong, or China, contact Ross Arnold, Janet Heinzen, or Diana Solkoff, respectively, International Trade Specialists, Office of Textiles & Apparel, United States Department of Commerce, (202) 377-4212.

Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to amend the visa requirements for certain cotton, wool, man-made fiber, silk blend, and vegetable fiber other than cotton textiles and textile products.

Background

Pursuant to its authority under section 204 of the Agricultural Act of 1956, as amended, CITA is amending the visa requirements for imports to the United States of certain cotton, wool, man-made fiber, silk blend, and vegetable fiber other than cotton textiles and textile products.

These changes will become effective on January 4, 1988, for products exported to the United States on and after January 1, 1988. In a previously published directive to the Commissioner of Customs dated December 24, 1987, changes were made to the visa systems for Thailand, Hong Kong, China, and for other countries.

Inadvertently left out of that directive, in the Country Specific section on Thailand, were instructions to Customs that the following combined category visas would be acceptable for Thailand.

226/613/614/615
317/326

Instructions on the above categories are included in the letter to the Commissioner published below.

For clarification, the paragraph in the Country Specific section of the above mentioned directive, concerning exemptions from visa requirements, and visa requirements for made-to-measure suits, for Hong Kong, is restated in the letter to the Commissioner published below.

The Country Specific section of the above mentioned directive for China is being corrected in the letter to the Commissioner published below, to say that part category 359-O shall become all TSUSA numbers in category 359 except those in part categories 359-C, 359-D and 359-V. In addition, this section is being amended to require a 670-O visa for all products in category 670, other than those in part category 670-L.

Also shown in the letter to the Commissioner below, an addition is being made to the General Section of the above mentioned directive, making it clear that inked ribbon film strips in TSUSA numbers 389.6260 and 389.6265, which were exempt from quota and visa requirements for all countries under category 627, shall remain exempt under new category 621 beginning with exports on and after January 1, 1988.

Interested persons are advised to take all necessary steps to ensure that cotton and man-made fiber textiles and textile products that are affected by the changes in the accompanying letter to the Commissioner of Customs, that are exported on and after January 1, 1988, and are to be entered or withdrawn from warehouse for consumption in the United States, will meet the requirements set forth in this notice.

Ferenc Molnar,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 30, 1987.

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on December 24, 1987, which amended the visa requirements for Thailand,

Hong Kong, China, and all other countries for which visa systems were in place. The changes in this directive are to be effective on January 4, 1988, for good exported to the United States from the respective countries on and after January 1, 1988.

General Section

By way of clarification, the following shall be added to the General section of the Directive of December 24, 1987, concerning exports made on and after January 1, 1988.

All products in TSUSA numbers 389.6260 and 389.6265, currently exempt from quota and visa requirements for all countries under category 627, shall remain exempt under new category 621.

Country Specific Section

Thailand: In addition to the changes shown for Thailand in the Country Specific section of the above mentioned directive, the following combined category visas shall be valid for exports to the United States on and after January 1, 1988.

226/613/614/615
317/326

Hong Kong: By way of clarification, the following paragraph shall replace the paragraph concerning exemptions from visa requirement, and made-to-measure suits, for Hong Kong, in the Country Specific section of the above mentioned directive.

For Hong Kong, with the exception of made-to-measure suits of wool, man-made fiber, silk blend and vegetable fibers other than cotton, not accompanying the traveller, all textile and apparel products including bona fide gifts valued at U.S.$50 or less; shipments for the personal use of the importer, and not for resale, regardless of value; and properly marked commercial sample shipments valued at U.S.$250 or less, shall not be subject to visa requirements. Made-to-measure suits of wool, man-made fiber, silk blend and vegetable fibers other than cotton, regardless of value, not accompanying the traveller, will require the following visas: 443/643/843(1) or 444/644/844(1)

China: The paragraph dealing with part category 359–O, in the Country Specific section for China in the above mentioned directive, shall be replaced with the following paragraph.

Because part category 359–I will no longer be valid, part category 359–O [6] becomes all TSUSA numbers in category 359 except those in part categories 359–C and 359–D and 359–V.

Also, footnote number six in the China Country Specific section of the above mentioned directive shall be amended to include TSUSA number 384.5214 (359–D) in the list of TSUSA numbers in Category 359 that are excluded from part Category 359–O.

The Country Specific section for China of the above mentioned directive is being further amended to include a visa requirement for part category 670–O [8].

Also, footnote number eight shall be added to the China Specific section of the above mentioned directive, as shown below.

[8] In Category 670–O, all Category 670 TSUSA numbers except 706.3415, 706.4130 and 706.4135 in part category 670–L.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Customs territory of the United States (i.e., the 50 states, the District of Columbia, and the Commonwealth of Puerto Rico).

The actions taken with respect to the Governments of the exporting countries affected by this directive have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Ferenc Molnar,

Acting Chairman, Committee for the Implementation of Textile Agreements.

A description of the textile categories in terms of T.S.U.S.A. numbers is provided in the 1988 TSUSA CORRELATION, available, at a cost of $30.00, from the Office of Textiles and Apparel, Room 3110, U.S. Department of Commerce, Washington, D.C. 20230.

[FR Doc. 87–30188 Filed 12–30–87; 2:11 pm]

BILLING CODE 3510-DR-M

Announcement of Import Limits for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in the People's Republic of China

December 30, 1987.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on January 1, 1988. For further information contact Diana Solkoff, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212. For information on the quota status of these limits, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port or call (202) 566–6828. For information on embargoes and quota re-openings, please call (202) 377–3715.

Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissoner of Customs to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of textile products, produced or manufactured in the People's Republic of China and exported during the twelve-month period beginning on January 1, 1988 and extending through December 31, 1988, in excess of the indicated restraint limits.

Background

CITA directives dated March 12, 1987 (52 FR 8496), May 20, 1987 (52 FR 19752), August 19, 1987 (52 FR 31800) and August 21, 1987 (52 FR 32160) established import restraint limits for cotton, man-made fiber, silk blend and other vegetable fiber textiles and textile products in Categories 369–D, among others; Categories 359–D and 644, among others; Category 642; Categories 300/301 and 845pt./846pt., respectively, produced or manufactured in the People's Republic of China and exported during the periods which began, in the case of Category 369–D, on February 23, 1987 and extends through February 22, 1988; in the case of Categories 359–D and 644, on May 28, 1987 and extends through May 27, 1988; in the case of Category 642, on July 24, 1987 and extends through July 23, 1988; in the case of Categories 300/301, on August 28, 1987 and extends through August 27, 1988; and, in the case of Categories 845pt./846pt., on August 29, 1987 and extends through August 28, 1988.

Subsequent directives dated September 4, 1987 (52 FR 33983), September 21, 1987 (52 FR 36084), October 21, 1987 (52 FR 39982) and November 23, 1987 (52 FR 45370) established import restraint limits for cotton wool and man-made fiber textile products in Categories 600pt., 659–C, 442 and 369–H, respectively, produced or manufactured in the People's Republic of China and exported during the periods which began, in the case of Category 600pt., on September 10, 1987 and extends through September 9, 1988; in the case of Category 659–C, on September 25, 1987 and extends through September 24, 1988; in the case of Category 442, on October 27, 1987 and extends through October 26, 1988; and, in the case of Category 369–H, on November 27, 1987 and extends through November 26, 1988.

During consultations held between the Governments of the United States and the People's Republic of China, agreement was reached to establish a new bilateral textile agreement concerning cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products. Under the terms of Section 204 of the Agricultural Act of 1956, as amended, and the Memorandum of Understanding of December 18, 1987, between the Governments of the United States and the People's Republic of China, the

agreement establishes, among other things, specific limits for Categories 200, 218, 219, 226, 239, 300/301, 313, 314, 315, 317/326, 331, 333–337, 338/339, 340–345, 347/348, 350–352, 359–C, 359–V, 360, 361, 363, parts of 369, 410, 433–438, 440–444, 445/446, 447, 448, 607, 613–617, 631, 634–637, 638/639, 640–642, 645/646, 647–652, parts of 659, 669–P, 670–L, 831, 833, 835, 840, 842 and 845pt., 846pt. and 847; group limits for Categories 330, 332, 349, 353, 354, 359–O, 431, 432, 459, 630, 632, 633, 643, 644, 653, 654 and 659–O, as a group (Group II); and Categories 201, 220, 222–225, 227, 229, 362, 369–O, 400, 414, 464–469, 600, 603, 606, 618–620, 621, 622, 624–627, 628, 629, 665, 666, 669–O and 670–O, as a group (Group III); and Categories 832, 834, 836–838, 843, 844, 850–852, 858 and 859, as a group (Group IV), produced or manufactured in China and exported during the twelve-month period beginning on January 1, 1988 and extending through December 31, 1988.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Ferenc Molnar,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 30, 1987

Commissioner of Customs,
Department of the Treasury,
Washington, DC 20229

Dear Mr. Commissioner: This directive cancels the directives of August 19, 1987, August 21, 1987, September 4, 1987, September 21, 1987, October 21, 1987 and November 23, 1987, issued to you by the Chairman of the Committee for the Implementation of Textile Agreements, concerning imports of cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products in Categories 642, 300/301, 845pt./846pt., 600pt., 659–C, 442, and 369–H, respectively, produced or manufactured in the People's Republic of China and exported during the periods which began, in the case of Category 642, on July 24, 1987 and extends through July 23, 1988; in the case of Categories 300/301, on August 28, 1987 and extends through August 27, 1988; in the case of Categories 845pt./846pt., on August 29, 1987 and extends through August 28, 1988; and, in the case of Category 600pt., on September 10, 1987 and extends through September 9, 1988; in the case of Category 659–C, on September 25, 1987 and extends through September 24, 1988; in the case of Category 442, on October 27, 1987 and extends through October 26, 1988; and in the case of Category 369–H, on November 27, 1987 and extends through November 26, 1988.

This directive also cancels only those portions of the directives of March 12, 1987 and May 20, 1987 concerning cotton and man-made fiber textile products in Categories 369–D, 359–D and 644, produced or manufactured in China and exported during the period which began, in the case of Category 369–D, on February 23, 1987 and extends through February 22, 1988; and, in the case of Categories 359–D and 644, on May 28, 1987 and extends through May 27, 1988.

Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as further extended on July 31, 1986; pursuant to the Memorandum of Understanding of December 18, 1987 between the Governments of the United States and the People's Republic of China; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1988, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products in the following categories, produced or manufactured in China and exported during the twelve-month period beginning on January 1, 1988 and extending through December 31, 1988, in excess of the following restraint limits:

Category	Twelve-month restraint limit
Group I:	
200	1,120,000 pounds.
218	10,444,000 square yards.
219	2,214,500 square yards.
226	9,185,193 square yards.
239	5,050,000 pounds.
300/301	7,000,000 pounds.
313	51,432,610 square yards.
314	28,888,847 square yards.
315	177,250,000 square yards.
317/326	18,163,282 square yards of which not more than 3,500,000 square yards shall be in Category 326.
331	4,070,893 dozen pairs.
333	67,000 dozen.
334	243,700 dozen.
335	325,000 dozen.
336	130,000 dozen.
337	1,059,000 dozen.
338/339	1,976,000 dozen of which not more than 1,500,000 dozen shall be in knit shirts other than T-shirts and tank tops.[1]
340	718,000 dozen of which not more than 200,000 dozen shall be in dress shirts with two or more colors in the warp and/or the filling in Category 340–Y.[2]
341	560,000 dozen of which not more than 336,000 dozen shall be in blouses of two or more colors in the warp and/or filling in Category 341–Y.[3]
342	222,000 dozen.
345	105,000 dozen.
347/348	2,066,000 dozen.
350	114,000 dozen.
351	370,000 dozen.
352	1,431,000 dozen.
359–C[4]	920,000 pounds.
359–V[5]	1,490,000 pounds.
360	5,834,950 numbers of which not more than 3,980,000 numbers shall be in bed pillowcases in TSUSA numbers 363.0108, 363.0112, 363.3020, 363.3025, 363.3060 and 363.3065.
361	3,216,000 numbers.
363	24,500,000 numbers.
369–D[6]	8,600,000 pounds.
369–H[7]	8,500,000 pounds.
369–L[8]	5,000,000 pounds.
410	2,185,000 square yards of which not more than 1,751,512 square yards shall be in woolens[9] and not more than 1,751,512 square yards shall be in worsteds.[10]
433	21,500 dozen.
434	12,250 dozen.
435	22,500 dozen.
436	14,000 dozen.
438	24,500 dozen.

Category	Twelve-month restraint limit
440	35,000 dozen with not more than 20,000 dozen in boys' and men's shirts in TSUSA numbers 381.1730, 381.3532, 381.6942, 381.7830, 381.8340, 381.8646, 381.9948, 384.1515, 384.6505 and 384.7010.
442	39,000 dozen.
443	126,000 numbers.
444	187,320 numbers.
445/446	270,000 dozen.
447	72,745 dozen.
448	20,000 dozen.
607	5,500,000 pounds.
613	7,000,000 square yards.
614	11,000,000 square yards.
615	21,000,000 square yards.
617	16,000,000 square yards.
631	862,570 dozen pair.
634	471,000 dozen.
635	492,000 dozen.
636	400,000 dozen.
637	276,210 dozen.
638/639	2,100,000 dozen.
640	1,240,000 dozen.
641	1,053,000 dozen.
642	260,000 dozen.
645/646	722,000 dozen.
647	1,069,919 dozen.
648	1,035,081 dozen.
649	679,000 dozen.
650	90,464 dozen.
651	568,000 dozen of which not more than 100,000 dozen shall be in blanket sleepers in TSUSA numbers 384.2222 and 384.8632.
652	1,947,000 dozen.
659-C [11]	719,600 pounds.
659-H [12]	4,650,880 pounds.
659-S [13]	1,076,250 pounds.
669-P [14]	2,970,000 pounds.
670-L [15]	26,000,000 pounds.
831	379,965 dozen pairs.
833	20,700 dozen.
835	95,000 dozen.
840	369,555 dozen.
842	207,000 dozen.
845pt. [16]	2,100,000 dozen.
846pt. [17]	140,000 dozen.
847	1,009,125 dozen.
Group II:	
330, 332, 349, 353, 354, 359-O [18], 431, 432, 459, 630, 632, 633, 643, 644, 653, 654, 659-O [19], as a group.	121,800,000 square yards equivalent.
Group III:	
201, 220, 222-225, 227, 229, 362, 369-O [20], 400, 414, 464-469, 600, 603, 604-O [21], 606, 618-622, 624-627, 628, 629, 665, 666, 669-O [22] and 670-O [23], as a group.	330,750,000 square yards equivalent.
Group IV:	
832, 834, 836-838, 843, 844, 850-852, 858, and 859, as a group.	24,000,000 square yards equivalent.

[1] In Category 338pt./339pt., only TSUSA numbers 381.0240, 381.0425, 381.3516, 381.4020, 381.4130, 381.4337, 381.6610, 381.8506, 381.9924, 384.0216, 384.0223, 384.0229, 384.0232, 384.2818, 384.2930, 384.2970 and 384.3434 in Category 338; and 384.0213, 384.0214, 384.0217, 384.0225, 384.0227, 384.0230, 384.0231, 384.0233, 384.0235, 384.0330, 384.0461, 384.2704, 384.2815, 384.2816, 384.2821, 384.2934, 384.2935, 384.2950, 384.2960, 384.2980, 384.3439, 384.3441, 384.3462, 384.5404, 384.7704 and 384.9517 in Category 339.

[2] In Category 340-Y, only TSUSA number 381.5610.

[3] In Category 341-Y, only TSUSA numbers 384.0505, 384.0511, 384.0512, 384.4608, 384.4612 and 384.4788.

[4] In Category 359-C, only TSUSA numbers 381.0822, 381.6510, 384.0928 and 384.5222.

[5] In Category 359-V, only TSUSA numbers 381.0258, 381.0554, 381.3949, 381.5800, 381.5920, 384.0648, 384.0650, 384.0651, 384.3449, 384.3450, 384.4300, 384.4421, 384.4422 and 384.0451.

[6] In Category 369-D, only TSUSA numbers 365.6615, 366.1720, 366.1740, 366.2020, 366.2040, 366.2420, 366.2440 and 366.2860.

[7] In Category 369-H, only TSUSA numbers 706.3640 and 706.4106.

[8] In Category 369-L, only TSUSA numbers 706.3210, 706.3650 and 706.4111.

[9] In Category 410, (woolens) only TSUSA numbers 335.5500, 336.1505, 336.1540, 336.5000, 336.6210, 336.6270, 336.6275, 336.6410, 336.6470, 336.6475, 337.5030, 337.5055, 337.5090, 337.5500, 339.0500, 363.1500 and 363.7000.

[10] In Category 410, (worsteds) only TSUSA numbers 336.1000, 336.1510, 336.2000, 336.2500, 336.3000, 336.3500, 336.4000, 336.5500, 336.6205, 336.6260, 336.6265, 336.6405, 336.6460, 336.6465 and 337.5080.

[11] In Category 659-C, only TSUSA numbers 381.3325, 381.9805, 384.2205, 384.2530, 384.8606, 384.8607 and 384.9310.

[12] In Category 659-H, only TSUSA numbers 703.0510, 703.0520, 703.0530, 703.0540, 703.0550, 703.0560, 703.1000, 703.1610, 703.1620, 703.1630, 703.1640 and 703.1650

[13] In Category 659-S, only TSUSA numbers 381.2340, 381.3170, 381.9100, 381.9570, 384.1700, 384.2339, 384.8300, 384.8400 and 384.9353.

[14] In Category 669-P, only TSUSA number 385.5300.

[15] In Category 670-L, only TSUSA numbers 706.3415, 706.4130 and 706.4135.

[16] In Category 845pt., only TSUSA numbers 381.3583, 381.6688, 381.9987, 384.2736, 384.5317 and 384.9695.

[17] In Category 846pt., only TSUSA numbers 381.3576, 381.8557, 384.2734 and 384.7782.

[18] In Category 359-O, all TSUSA numbers except 381.0822, 381.6510, 384.0928 and 384.5222 in Category 359-C and 381.0258, 381.0554, 381.3949, 381.5800, 381.5920, 384.0648, 384.0650, 384.0651, 384.3449, 384.3450, 384.4300, 384.4421, 384.4422 and 384.0451 in Category 359-V.

[19] In Category 659-O, all TSUSA numbers except 381.3325, 381.9805, 384.2205, 384.2530, 384.8606, 384.8607 and 384.9310 in Category 659-C; 703.0510, 703.0520, 703.0530, 703.0540, 703.0550, 703.0560, 703.1000, 703.1610, 703.1620, 703.1630, 703.1640 and 703.1650 in Category 659-H; and 381.2340, 381.3170, 381.9100, 381.9570, 384.1700, 384.2339, 384.8300, 384.8400 and 384.9353 in Category 659-S.

[20] In Category 369-O, all TSUSA numbers except 365.6615, 366.1720, 366.1740, 366.2020, 366.2040, 366.2420, 366.2440 and 366.2860 in Category 369-D; 706.3640 and 706.4106 in Category 369-H; 706.3210 and 706.3650 in Category 369-L and 366.2840 in Category 369-S.

[21] In Category 604-O, all TSUSA numbers except 310.5049 and 310.6045.

[22] In Category 669-O, all TSUSA numbers except 385.5300 in Category 669-P.

[23] In Category 670-O, all TSUSA numbers except 706.3415, 706.4130 and 706.4135 in Category 670-L.

To the extent that trade which now falls in the foregoing categories is within a category limit for the periods January 1, 1987 through December 31, 1987, such trade, to the extent of any unfilled balances, shall be charged against the levels of restaint established for such goods during those periods. In the event the limits established for those periods have been exhausted by previous entries, such goods shall be subject to the levels set forth in this directive.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553 (a)(1).

Sincerely,

Ferenc Molnar,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87-30185 Filed 12-30-87; 2:41 pm]

BILLING CODE 3510-DR-M

Announcing Import Levels for Certain Cotton and Man-Made Fiber Textiles and Textile Products Produced or Manufactured in India Effective on January 1, 1988

December 30, 1987.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on January 1, 1988. For further information contact Pamela Smith, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212. For information on the quota status of these limits, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port or call (202) 343–6494. For information on embargoes and quota re-openings, please call (202) 377–3715.

Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements, directs the Commissioner of Customs to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of certain cotton and man-made fiber textile products, produced or manufactured in India and exported during 1988, in excess of the designated restraint limits.

Background

Under the terms of section 204 of the Agricultural Act of 1956, as amended, and the Bilateral Cotton, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Agreement of February 6, 1987 between the Governments of the United States and India, as translated to the new category system, CITA establishes, among other things, specific limits for Group I Categories 218, 313, 315, 335, 336/636, 337, 338/339/340, 341, 342, 347/348 and 363; and a group limit for Categories 200, 201, 219–229, 239, 300, 301, 314, 317, 326, 330–334, 345, 349–359, 360–362, 369–S, 369–0, 600–607, 611–635, 637–659, 665pt., 666–670, 800 810 and 831–859, as a group (Group II), and within the specific limits for categories 369–S, 640, 641 and 642, produced or manufactured in India and exported during the twelve-month period which begins on January 1, 1988 and extends through December 31, 1988. Carryforward used of 7.25 million square yards equivalent is being deducted from Group II.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Ferenc Molnar,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 30, 1987.

Comissioner of Customs,
Department of the Treasury,
Washington, DC 20229

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as further extended on July 31, 1986; pursuant to the Bilateral Cotton, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Agreement of February 6, 1987 between the Governments of the United States and India; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1988, entry into the United States for consumption, and withdrawal from warehouse for consumption, of cotton, man-made fiber, silk blend and other vegetable fiber textiles and textile products in the following categories, produced or manufactured in India and exported during the twelve-month period beginning on January 1, 1988 and extending through December 31, 1988, in excess of the following restraint levels:

Category	Twelve-month restraint level
Group I:	
218	7,800,000 yards.
313	20,869,911 square yards.
315	8,397,997 square yards.
335	175,610 dozen.
336/636	436,650 dozen.
337	91,625 dozen.
338/339/340	1,259,639 dozen.
341	2,756,879 dozen of which not more than 1,654,127 dozen shall be in shirts and blouses made from fabrics with two or more colors in the warp and/or the filling in Category 341–Y (TSUSA numbers 384.0505, 384.0511, 384.0512, 384.4608, 384.4610, 384.4612 and 384.4788).
342	402,800 dozen.
347/348	280,511 dozen.
363	21,400,000 numbers.
Group II:	
200, 201, 219–229, 239, 300, 301, 314, 317, 326, 330–334, 345, 349–359, 360–362, 369–S,[1] 369–0,[2] 600–607, 611–635, 637–659, 665pt.,[3] 666–670, 800, 810 and 831–859, as a group.	147,542,145 square yards equivalent.
Sublevels within Group II:	
369–S	837,400 pounds.
640	132,572 dozen.
641	784,328 dozen.
642	238,346 dozen.

[1] In Category 369–S, only TSUSA number 366.2840.

[2] In Category 369–0, all TSUSA numbers except 366.2840, 360.7600, 361.5420 and 360.2000.

[3] In Category 665pt., all TSUSA numbers except 360.7800 and 361.5426.

To the extent that trade which now falls in the foregoing categories is within a category limit for the period January 1, 1987 and December 31, 1987, such trade, to the extent of any unfilled balances, shall be charged against the levels of restraint established for such goods during that period. In the event the limits established during that period have been exhausted by previous entries, such goods shall be subject to the limits set forth in this directive.

The 1988 restraint limits are subject to adjustment in the future, as applicable, according to the provisions of the bilateral agreement of February 6, 1987, between the Government of the United States and India which provide, in part, that: (1) group and specific limits may be exceeded by designated percentages for swing, carryover and carryforward, and (2) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any

appropriate adjustments under the provisions of the bilateral agreement referred to above will be made to you by letter.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Ferenc Molnar,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87-30187 Filed 12-31-87; 8:45 am]

BILLING CODE 3510-DR-M

Announcement of Import Restraint Limits for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in the Polish People's Republic Effective of January 1, 1988

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on January 1, 1988. For further information contact Jerome Turtola, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port. For information on embargoes and quota re-openings, please call (202) 377-3715.

Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton, wool and man-made fiber textile products, produced or manufactured in Poland and exported during the twelve-month period which begins on January 1, 1988 and extends through December 31, 1988, in excess of the designated restraint limits.

Background

The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 5 and 31, 1984, between the Governments of the United States and the Polish People's Republic, as translated to the new category system, establishes an aggregate limit and within the aggregate, group limits for Categories 200-229, 300-326, 360-369, 400-414, 464-469, 600-629 and 665-670, as a group (Group I), and within the group Categories 363, 410 and 620, among others; Categories 239, 300-359, 630-642 and 645-659, as a group (Group II), and within the group Categories 239, 333, 334, 335, 338, 339, 340, 347, 359, 634, 635, 638, 639, 645/646, 647, 648 and 659 among others; Categories 431-442 and 444-459, as a group (Group III), and within the group Categories 433, 434, 435, 440, 442, 444, 445, 446, 447, 448 and 459, among others; and Categories 443/643/644, as a group (Group IV), produced or manufactured in Poland and exported during the twelve-month period which begins on January 1, 1988 and extends through December 31, 1988.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Ferenc Molnar,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 29, 1987.

Commissioner of Customs,
Department of the Treasury,
Washington, DC 20229.

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as further extended on July 31, 1986; pursuant to the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of December 5 and 31, 1984 between the Governments of the United States and the Polish People's Republic; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1988, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products in the following categories, produced or manufactured in Poland and exported during the twelve-month period beginning on January 1, 1988 and extending through December 31, 1988, in excess of the following restraint limits:

Category	12-mo. restraint limit
Group I: 200-239, 300-369, 400-469, and 600-670, as a group.	83,532,618 square yards equivalent.
Limits not subject to a Group:	
363	3,000,000 numbers.
410	2,358,697 square yards.
620	2,000,000 square yards.
Group II: 239, 330-359, 630-642 and 645-659, as a group.	62,679,670 square yards equivalent.
Sublevels within Group II:	
239	218,669 pounds.
333	111,269 dozen.
334	272,950 dozen of which not more than 16,949 dozen shall be in Category 334pt.[1].
335	53,769 dozen.
338	1,141,188 dozen of which not more than 456,475 dozen shall be in Category 338pt. (TSUSA number 381.4130).
339	97,222 dozen.
340	62,500 dozen.
347	72,734 dozen.
359	330,000 pounds.
634	182,120 dozen of which not more than 135,072 dozen shall be in Category 634pt. (knit—TSUSA numbers 381.2315, 381.3551, 381.2835 381.2857, 381.3551, 381.3554, 381.6671, 381.6673, 381.8523, 381.8706, 381.8808, 381.8811, 381.9222, 381.9223, 381.9232, 381.1902, 381.1906, 381.1911 and 791.7460) and not more than 75,888 dozen shall be in Category 634pt. (not knit)—TSUSA numbers 376.5609, 376.5635, 381.3120, 381.3323, 381.9838, 381.3331, 381.3341, 381.6968, 381.8664, 381.9505, 381.9520, 381.9525, 381.9530, 381.9836, 381.9842, 381.9962, 381.2321, 381.9132 and 791.7471).

Category	12-mo. restraint limit
635	95,396 dozen of which not more than 43,362 dozen shall be in Category 635pt. (not knit—TSUSA numbers 376.5612, 384.2316, 384.2318, 384.2323, 384.2554, 384.2556, 384.2565, 384.2604, 384.2605, 384.2770, 384.2771, 384.5565, 384.5566, 384.7859, 384.7860, 384.8805, 384.9135, 384.9136, 384.9138, 384.9140, 384.9141, 384.9144, 384.9145, 384.9146, 384.9152, 384.9153, 384.9154, 384.9401, 384.9402, 384.9464, 384.9465, 384.9475, 384.9664, 384.9666 and 791.7473).
638	238,918 dozen.
639	179,189 dozen.
645/646	136,554 dozen.
647	181,097 dozen of which not more than 70,427 dozen shall be in Category 647pt. (not knit—TSUSA numbers 376.5618, 381.3180, 381.3190, 381.3335, 381.3549, 381.6984, 381.8672, 381.9310, 381.9575, 381.9580, 381.9585, 381.9846, 381.9974, 381.2341, 381.2351, 381.9168, 381.9174 and 791.7480).
648	100,609 dozen of which not more than 40,244 dozen shall be in Category 648 (not knit—TSUSA numbers 376.5623, 384.2342, 384.2344, 384.2345, 384.2348, 384.2355, 384.2667, 384.2783, 384.5684, 384.7858, 384.8820, 384.9000, 384.9170, 384.9171, 384.9172, 384.9176, 384.9372, 384.9678 and 791.7481).
659	89,744 pounds.
Group III: 431–442 and 444–459, as a group.	2,374,937 square yards equivalent.
Sublevels within Group III:	
433	7,671 dozen.
434	3,704 dozen.
435	6,137 dozen.
440	7,818 dozen.
442	5,556 dozen.
444	61,368 numbers.
445	16,777 dozen.
446	11,062 dozen.
447	12,274 dozen.
448	5,556 dozen.
459	110,462 pounds.
Group IV: 443/643/644, as a group.	191,076 numbers.

[1] In Category 334pt., all TSUSA numbers except 381.3905 and 381.0211.

To the extent that trade which now falls in the foregoing categories is within a category limit for the period January 1, 1987 through December 31, 1987 such trade, to the extent of any unfilled balances, shall, be charged against the levels of restraint established for such goods during that period. In the event the limits established for the period have been exhausted by previous entires, such goods shall be subject to the levels set forth in this directive.

The restraint limits set forth above are subject to adjustment in the future according to the provisions of the bilateral agreement of December 5 and 31, 1984, between the Governments of the United States and the Polish People's Republic, which provide, in part, that: (1) within the aggregate and applicable group limits of the agreement, specific limits may be exceeded by designated percentages; (2) these same specific limits may be increased for carryover and carryforward; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementations of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement will be made to you by letter.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Ferenc Molnar,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87-30174 Filed 12-31-87; 8:45 am]

BILLING CODE 3510-DR-M

Announcement of Import Levels for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in Thailand Effective January 1, 1988

December 29, 1987.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on January 1, 1988. For further information contact Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port or call (202) 535-9480. For information on embargoes and quota re-openings, please call (202) 377-3715.

Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of certain cotton, wool and man-made fiber textile products, produced or manufactured in Thailand and exported during 1988, in excess of the designated restraint limits.

Background

The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of July 27 and August 8, 1983, as amended and extended, and as translated to the new category system, establishes, among other things, restraint limits for certain cotton and man-made fiber textile products within Group I—Categories 200, 219, 226/613/614/615, 300, 301, 313–315, 317/326, 369–L, 604, 611 and 669pt.; cotton and man-made fiber apparel in Categories 239, 330–354, 359, 630–654 and 659, as a group (Group II), and within the group individual Categories 331, 334/335, 336, 337, 338/339, 340, 341, 342/642, 347/348, 631, 634/635, 638, 639, 640, 641, 645/646, 647/648 and 651; wool fabric and apparel in Categories 410, 414, 431–448 and 459, as a group (Group III), and within the group individual Categories 434, 438, 442, 445/446 and 448, produced or manufactured in Thailand and exported during the twelve-month period beginning on January 1, 1988 and extending through December 31, 1988.

A limit for Category 219, within Group I, is also being established based on the migration of trade in cotton and man-made fiber duck fabric. This limit, as well as the limit for categories 342/642, 634/635 and 647/648 are subject to adjustment after further consultations between the Governments of Thailand and the United States.

The January 1, 1988 through December 31, 1988 limit for Categories 239, 330–354, 359, 630–654 and 659, as a group, has been reduced by 14,595,561 square yards equivalent according to the amendment of November 25, 1985.

A description of the textile categories in terms of T.S.U.S.A. numbers was

published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Ferenc Molnar,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 29, 1987.

Commissioner of Customs,
Department of the Treasury,
Washington, DC 20229

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as further extended on July 31, 1986; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of July 27 and August 8, 1983, as amended and extended, between the Governments of the United States and Thailand; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1988, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products in the following categories, produced or manufactured in Thailand and exported during the twelve-month period beginning on January 1, 1988 and extending through December 31, 1988, in excess of the indicated restraint limits:

Category	12-Mo. restraint limit
200	875,000 pounds.
219	8,059,851 square yards.
226/613/614/615	19,000,000 square yards.
300	5,618,000 pounds.
301pt.[1]	5,618,000 pounds.
301pt.[2]	1,123,600 pounds.
313	14,008,404 square yards.
314	29,369,789 square yards.
315	18,388,888 square yards.
317/326	7,763,049 square yards.
369-L [3]	2,300,000 pounds.
604	936,758 pounds of which not more than 543,994 pounds shall be in Category 604-A (TSUSA number 310.5049).
611	4,430,195 square yards.
669pt.[4]	2,471,920 pounds.
Group II:	
239, 330-354, 359, 630-654 and 659, as a group.	85,346,860 square yards equivalent.
Sublevels within Group II:	
331	587,137 dozen pairs.
334/335	76,897 dozen.
336	68,694 dozen.
337	74,419 dozen.
338/339	832,888 dozen.
340	146,895 dozen.
341	155,090 dozen.
342/642	290,000 dozen.
347/348	262,382 dozen.
631	246,081 dozen pairs.
634/635	537,010 dozen.
638	450,000 dozen.
639	1,272,290 dozen.
640	325,767 dozen.
641	220,991 dozen.
645/646	105,772 dozen.
647/648	598,792 dozen.
651	36,064 dozen.
Group III:	
410, 414, 431-448 and 459, as a group.	3,091,122 square yards equivalent.
Sublevels within Group III:	
434	11,615 dozen.
438	15,302 dozen.
442	15,500 dozen.
445/446	15,765 dozen.
448	10,500 dozen.

[1] In Category 301pt., not wholly cotton in TSUSA numbers 300.6025, 300.6027 and 300.6028.

[2] In Category 301pt., wholly cotton in TSUSA numbers 302.—26 and 302.—28.

[3] In Category 369-L, only TSUSA numbers 706.3210, 706.3650 and 706.4111.

[4] In Category 669pt., only TSUSA number 385.5300.

To the extent that trade which now falls in the foregoing categories is within a category limit for the periods January 1, 1987 and August 19, 1987 through December 31, 1987, such trade, to the extent of any unfilled balances, shall be charged against the levels of restraint established for goods during those periods. In the event the limits established for those periods have been exhausted by previous entries, such goods shall be subject to the limits set forth in this directive.

The 1988 levels are subject to adjustments according to the terms of the bilateral agreement of July 27 and August 8, 1983, as amended and extended, between the Governments of the United States and Thailand, which provide, in part, that: (1) under certain specified conditions any non-apparel specific limit or sublimit may be exceeded by not more than 7 percent, provided that the amount of the increase is compensated for by an equivalent decrease in another specific limit in the same group; (2) specific levels of restraint may be increased for carryover and carryforward up to 11 percent of the applicable category limit; and (3) administrative arrangements or adjustments may be made to resolve problems arising in the implementation of the agreement.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Ferenc Molnar,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87-30175 Filed 12-31-87; 8:45 am]
BILLING CODE 3510-DR-M

Announcement of an Import Limit for Certain Cotton Textile Products Produced or Manufactured in the Union of Soviet Socialist Republics Effective on January 1, 1988

December 29, 1987.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on January 1, 1988. For further information contact Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of this limit, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port. For information on embargoes and quota re-openings, please call (202) 377-3715.

Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton textile products in Categories 313/315, produced or manufactured in the Union of the Soviet Socialist Republics and

exported during 1988, in excess of the designated limit.

Background

The Bilateral Textile Agreement of December 4, 1987 between the Governments of the United States and the Union of the Soviet Socialist Republics establishes a specific limit for cotton sheeting and printcloth in Categories 313/315, produced or manufactured in the Union of Soviet Socialist Republics and exported during the twelve-month period which begins on January 1, 1988 and extends through December 31, 1988. The United States Government has decided to control imports of Categories 313/315 at the designated level.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Ferenc Molnar,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 29, 1987.

Commissioner of Customs,
Department of the Treasury,
Washington, DC 20229.

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); pursuant to the Bilateral Textile Agreement of December 4, 1987 between the Governments of the United States and the Union of the Soviet Socialist Republics, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1988, entry into the United States for consumption and withdrawal from warehouse for consumption, of certain cotton textile products in Categories 313/315, produced or manufactured in the Union of the Soviet Socialist Republics and exported during the twelve-month period which begins on January 1, 1988 and extends through December 31, 1988, in excess of 23,500,000 square yards.

To the extent that trade which now falls in the foregoing categories is within a category limit for the period August 1, 1987 through December 31, 1987, such trade, to the extent of any unfilled balance, shall be charged against the levels of restraint established for such goods during that restraint period. In the event the limit established for that period has been exhausted by previous entries, such goods shall be subject to the limit set forth in this directive.

The limit set forth above is subject to adjustment in the future according to the provisions of the Bilateral Textile Agreement of December 4, 1987 between the Governments of the United States and the Union of the Soviet Socialist Republics, which provide, in part that any specific limit may be exceeded in any agreement period by carry forward and/or carryover of 11 percent, of which carryover shall not exceed 11 percent and carry forward shall not constitute more than 6 percent. No carryforward shall be available in the final agreement period.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Ferenc Molnar,

Acting Chairman, Commitee for the Implementation of Textile Agreements.

[FR Doc. 87-30176 Filed 12-31-87; 8:45 am]

BILLING CODE 3510-DR-M

Announcement of Import Restraint Limits for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Products from Taiwan Effective on January 1, 1988

December 30, 1987.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on January 1, 1988. For further information contact Pamela Smith, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port or call (202) 566-8791. For information on embargoes and quota re-openings, please call (202) 377-3715.

Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Taiwan and exported during the twelve-month period which begins on January 1, 1988 and extends through December 31, 1988, in excess of the designated levels of restraint.

Background

The bilateral agreement of November 18, 1982, as amended and extended, and as translated to the new category system, concerning cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Taiwan, establishes specific limits for cotton, wool and man-made fiber non-apparel Categories 200-227, 229, 300-317 326, 360-369, 400, 410, 414, 464-469, 600-629 and 665-670, as a group (Group I), and within the group individual Categories 200, 218, 219, 220, 225/317/326, 229-F, 301, 313, 314, 315, 360, 361, 363, 369-L, 604, 611, 613/614/615/617, 619/620, 625/626/627/628/629, parts of 669 and parts of 670; cotton, wool and man-made fiber apparel Categories 239, 330-354, 359, 431-448, 459, 630-645 and 659, as a group (Group II), and within the group individual Categories 239, 331, 333/334, 335, 336, 337, 338/339, 340, 341, 342, 345, 347/348, 350, 351, 353, 353/354/653/654, 359-H, 433, 434, 435, 436, 438, 440, 442, 443, 444, 445/446, 447/448, 631, 632, 633/634/635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645/646, 647, 648, 649, 650, 651, 652, parts of 659; silk blend and other vegetable fiber apparel Categories 831-844 and 846-859, as a group (Group III); and individual limits for Categories 845 and 870, produced or manufactured in Taiwan and exported during the twelve-month period which begins on January 1, 1988 and extends through December 31, 1988.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

The letter to the Commissioner of Customs and the actions taken pursuant

to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Ferenc Molnar,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 30, 1987.

Commissioner of Customs,
Department of the Treasury, Washington, D.C. 20229.

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); pursuant to the Bilateral Textile Agreement of November 18, 1982, as amended and extended, concerning cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products from Taiwan; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1988, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, man-made fiber, silk blend and other vegetable fiber textile and textile products in the following categories, produced or manufactured in Tawian and exported during the twelve-month period which begins on January 1, 1988 and extends through December 31, 1988, in excess of the following levels of restraint:

Category	Twelve-Month Restraint Limit
Group I:	
200–227, 229, 300–317,326, 360–369, 400, 410, 414, 464–469, 600–629 and 665–670, as a group.	654,921,334 square yards equivalent.
Sublevels Within Group I:	
200	1,176,000 pounds.
218	23,806,654 square yards.
219	20,263,934 square yards.
220	12,965,686 square yards.
225/317/326	20,545,309 square yards.
226	11,096,491 square yards.
229–F [1]	1,126,201 pounds.
301	449,072 pounds.
313	71,228,483 square yards.
314	50,729,389 square yards.
315	25,690,765 square yards.
360	850,297 numbers.
361	1,071,533 numbers.
363	12,730,497 numbers.
369–L [2]	2,316,653 pounds.
604	500,000 pounds.
611	1,266,509 square yards.
613/614/615/617.	11,650,000 square yards.
619/620	10,182,675 square yards.
625/626/627/628/629.	14,893,610 square yards.
669–P [3]	565,705 pounds.
669–T [4]	1,838,658 pounds.
670–F [5]	3,994,440 pounds.
670–H [6]	40,789,586 pounds.
670–L [7]	71,732,319 pounds.
Group II:	
239,330–354, 359, 431–448, 459, 630–654, and 659, as a group.	962,218,203, square yards equivalent.
Sublevels within Group II:	
239	5,032,931 pounds.
331	484,951 dozen pairs.
333/334	78,711 dozen.
335	93,282 dozen.
336	88,793 dozen.
337	148,313 dozen.
338/339	662,909 dozen.
340	660,823 dozen.
341	382,795 dozen.
342	198,077 dozen.
345	92,776 dozen.
347/348	1,008,574 dozen of which not more than 497,334 dozen shall be in Category 347 and not more than 797,675 dozen shall be in Category 348.
350	101,954 dozen.
351	329,533 dozen.
352	920,766 dozen.
353/354/653/654.	236,364 dozen.
359–H [8]	4,307,563 pounds.
433	13,660 dozen.
434	9,483 dozen.
435	30,958 dozen.
436	4,483 dozen.
438	36,279 dozen.
440	10,303 dozen.
442	48,770 dozen.
443	38,244 numbers.
444	54,468 numbers.
445/446	129,476 dozen.
447/448	18,853 dozen.
631	4,073,166 dozen pairs.
632	4,415,252 dozen pairs.
633/634/635	1,684,852 dozen of which not more than 1,045,046 dozen shall be in Category 633/634 and not more than 872,681 dozen shall be in Category 635.
636	333,765 dozen.
637	372,848 dozen.
638	1,760,049 dozen.
639	4,823,270 dozen.
640	3,337,749 dozen of which not more than 1,668,875 dozen shall be in Category 640–Y. [9]
641	720,208 dozen of which not more than 252,073 dozen shall be in Cagegory 641–Y. [10]
642	757,421 dozen.
643	475,248 numbers.
644	579,516 numbers.
645/646	4,066,920 dozen.
647	2,612,624 dozen.
648	3,066,853 dozen.
649	692,441 dozen.
650	47,478 dozen.
651	413,258 dozen.
652	1,434,958 dozen.
659–B [11]	1,598,589 pounds.
659–C [12]	1,176,146 pounds.
659–H [13]	5,310,091 pounds.
659–S [14]	4,514,001 pounds.
Group III:	
831–844 and 846–859, as a group.	9,246,638 square yards equivalent.
Individual limits not in a Group:	
845	845,965 dozen.
870	5,365,749 pounds.

[1] In Category 229–F, only TSUSA numbers 355.4520 and 355.4530.
[2] In Category 369–L, only TSUSA numbers 706.3210, 706.3650 and 706.4111.
[3] In Category 669–P, only TSUSA number 385.5300.
[4] In Category 669–T, only TSUSA numbers 386.1105 and 389.6210.
[5] In Category 670–F, only TSUSA numbers 706.3900 and 706.3425.
[6] In Category 670–H, only TSUSA numbers 706-4125 and 706.3405.
[7] In Category 670–L, only TSUSA numbers 706.3415, 760.4130 and 706.4135.
[8] In Category 359–H, only TSUSA numbers 702.0600 and 702.1200.
[9] In Category 640–Y, only TSUSA numbers 381.3132, 381.3142, 381.3152, 381.9535, 381.9547, 381,9550 and 384.2306.
[10] In Category 641–Y, only TSUSA numbers 384.2302, 384.2304, 384.2307, 384.9110, and 384.9120.
[11] In Category 659–B, only TSUSA numbers 384.1815 and 384.8022.
[12] In Category 659–C, only TSUSA numbers 381.3325, 381.9805, 384.2205, 384.2530, 384.8606, 384.8607 and 384.9310.
[13] In Category 659–H, only TSUSA numbers 703.0510, 703.0520, 703.0530, 703.0540, 703.0551, 703.0560, 703.1000, 703.1610, 703.1620, 703.1630, 703.1640 and 703.1650,
[14] In Category 659–S, only TSUSA numbers 381.2340, 381.3170, 381.9100, 381.9570, 384.1700, 384.2339, 384.8300, 384.8400 and 384.9353.

To the extent that trade which now falls in the foregoing categories is within a category limit for the period January 1, 1987 through December 31, 1987, such trade, to the extent of any unfilled balances, shall be charged

against the levels of restraint established for such goods during that period. In the event the limits established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this directive.

The limits are subject to adjustment in the future pursuant to the provisions of the agreement of November 18, 1982, as amended and extended, which provide, in part, that: (1) group and specific limits and sublimits within the groups may be exceeded by designated percentages except for Categories 645/646, 659–H and 845, whose limits already include swing adjustments for the duration of the agreement; (2) Categories 338/339, 340, 369–L, 638 and 670–L or 670–, may be increased by up to ten percent for special shift during the agreement year; (3) administrative arrangements or adjustments may be made to resolve problems arising in the implementation of the agreement. Any appropriate adjustments under these provisions of the bilateral agreement will be made to you by letter. Some category limits already include adjustments to the base level.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements had determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Ferenc Molnar,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87–30198 Filed 12–30–87; 8:45 am]

BILLING CODE 3510–DR–M

COMMODITY FUTURES TRADING COMMISSION

Chicago Mercantile Exchange Proposed Futures Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of the terms and conditions of proposed commodity futures contract.

SUMMARY: The Commodity Futures Trading Commission ("Commission") previously published in the **Federal Register** a proposal of the Chicago Mercantile Exchange ("CME") for designation as a futures contract market in the Morgan Stanley Capital International EAFE (Europe, Australia and Far East) stock index. The Director of the Division of Economic Analysis ("Division") of the Commission, acting pursuant to the authority delegated by Commission Regulation 140.96, has determined that, in this instance, an additional period for public comment is warranted.

DATE: Comments must be received on or before February 3, 1988.

ADDRESS: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Reference should be made to the CME EAFE Stock Index futures contract.

FOR FURTHER INFORMATION CONTACT: Naomi Jaffe, Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581, (202) 254–7227.

SUPPLEMENTARY INFORMATION: On September 11, 1987, the Commission published in the **Federal Register**, for a 60-day comment period, a notice of availability of the CME's proposed terms and conditions for the EAFE Stock Index futures contract (52 FR 34404). In a December 18, 1987, letter to the Commission, the CME requested that the Commission republish the terms and conditions of the proposed contract "so that the public and other interested parties may have a further opportunity to comment on the application." As noted, the Director of the Division has determined that, for this proposed contract, an additional comment period is warranted.

Copies of the terms and conditions of the proposed futures contract will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254–6314.

Other materials submitted by the CME in support of the application for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 52) and the Commission's regulations thereunder (17 CFR Part 145 (1987)), except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Acts Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the terms and conditions of the proposed futures contract, or with respect to other materials submitted by the CME in support of the application, should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581, by the specified date.

Issued in Washington, DC on December 28, 1987.

Paula A. Tosini,

Director, Division of Economic Analysis.

[FR Doc. 87–30108 Filed 12–31–87; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Intelligence Agency Scientific Advisory Committee; Closed Meeting

AGENCY: Office of the Secretary, DOD.

ACTION: Notice of closed meeting.

SUMMARY: Pursuant to the provisions of Subsection (d) of section 10 of Pub. L. 92–463, as amended by section 5 of Pub. L. 94–409, notice is hereby given that a closed meeting of a panel of the DIA Scientific Advisory Committee has been scheduled as follows:

DATE: 28 January 1988, 8:30 a.m. to 5:00 p.m.

ADDRESS: The DIAC, Bolling AFB, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Lieutenant Colonel John E. Hatlelid, USAF, Executive Secretary, DIA Scientific Advisory Committee, Washington, DC 20340–1328 (202/373–4930.

SUPPLEMENTARY INFORMATION: The entire meeting is devoted to the discussion of classified information as defined in section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in a special study on HUMINT/Scientific and Technical Intelligence Interface.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

December 29, 1987.

[FR Doc. 87–30165 Filed 12–31–87; 8:45 am]

BILLING CODE 3810–01–M

Defense Intelligence Agency Scientific Advisory Committee; Closed Meeting

AGENCY: Office of the Secretary, DOD.

ACTION: Notice of closed meeting.

SUMMARY: Pursuant to the provisions of Subsection (d) of section 10 of Pub. L. 92–463, as amended by section 5 of Pub. L. 94–409, notice is hereby given that a closed meeting of a panel of the DIA Scientific Advisory Committee has been scheduled as follows:

DATE: 28 January 1988, 9:00 a.m. to 5:00 p.m.

ADDRESS: The DIAC, Bolling AFB, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Lieutenant Colonel John E. Hatlelid, USAF, Executive Secretary, DIA Scientific Advisory Committee, Washington, DC 20340–1328 (202/373–4930).

SUPPLEMENTARY INFORMATION: The entire meeting is devoted to the discussion of classified information as defined in section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in a special study on Advanced Air Defense.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

December 29, 1987.

[FR Doc. 87–30166 Filed 12–31–87; 8:45 am]

BILLING CODE 3810–01–M

Department of the Air Force

Extended Review Period for EIS No. 870404, Draft, Cleanup of Uruno (Urunao) Beach, GU

The review period for the Draft Environmental Impact Statement for cleanup of Uruno Beach (also known as Urunao Beach), Guam is extended to January 22, 1988. (Published in the **Federal Register** on November 13, 1987 (52 FR 43663).

Patsy J. Conner,

Air Force Federal Register, Liaison Officer.

[FR Doc. 87–30102 Filed 12–31–87; 8:45 am]

BILLING CODE 3910–01–M

DEPARTMENT OF EDUCATION

[CFDA No.: 84.168A]

Notice Inviting Applications for New Awards Under the Secretary's Discretionary Program for Mathematics, Science, Computer Learning, and Critical Foreign Languages for Fiscal Year 1988

Purpose: To provide assistance to State and local educational agencies, institutions of higher education, and nonprofit organizations for nationally significant projects designed to improve the quality of instruction in mathematics, science, and computer learning.

Deadline for Transmittal of Applications: February 26, 1988.

Applications Available: January 15, 1988.

Available Funds: $3,900,000.

Estimated Range of Awards: $75,000–$200,000.

Estimated Average Size of Awards: $125,000.

Estimated Number of Awards: 31.

Project Period: 12–24 months.

Applicable Regulations: (a) Secretary's Discretionary Program for Mathematics, Science, Computer Learning, and Critical Foreign Languages Regulations, 34 CFR Part 755, and (b) the Education Department General Administrative Regulations, 34 CFR Parts 74, 75, 77, and 78.

Absolute Priority: In accordance with § 755.13 (a) and (c) and 34 CFR 75.105(c)(3), the Secretary has chosen as an absolute priority projects that provide special services to historically underserved and underrepresented populations in the fields of mathematics, science and computer learning at the elementary and secondary school levels.

Only applications proposing activities under this priority will be considered.

Within this absolute priority, the Secretary is particularly interested in applications that assist disadvantaged students from grade five through grade nine through projects that will:

- Upgrade or expand existing enrichment programs in mathematics, science or computer learning which provide alternative or supplementary instruction such as, aftershool and summer programs, college or university summer institutes, and cooperative programs with industry;
- Extend access to successful mathematics, science or computer learning programs to disadvantaged students, particularly gifted and talented minority youth; and
- Develop creative instructional approaches to improve student knowledge of and interest in mathematics, science or computer learning including, but not limited to, those instructional approaches involving parents, the community and the private sector.

The above examples are meant to illustrate the types of activities the Secretary is interested in supporting. Applicants are encouraged to submit applications that expand upon or combine these activities, or propose activities other than these examples.

Selection Criteria: The program regulations at § 755.30 (b) and (d) authorize the Secretary to distribute an additional 15 points among the criteria described in the regulations at § 755.32 to bring the total to a maximum of 100 points. For the purposes of this competition, the Secretary will distribute the additional points as follows:

Evaluation plan. (§ 755.32(d)) Five (5) additional points will be added for a possible total of 10 points for this criterion.

Improvement of the quality of teaching and instruction in mathematics, science, computer learning, or critical foreign languages. (§ 755.32(f)) Five (5) additional points will be added for a possible total of 30 points for the criterion.

Applicant's commitment and capacity. (§ 755.32(h)) Five (5) additional points will be added for a possible total of 15 points for this criterion.

For Applications or Information Contact: Secretary's Discretionary Fund, U.S. Department of Education, 400 Maryland Avenue, SW., Room 4132, Washington, DC 20202. Telephone (202) 732–3566.

Program Authority: 20 U.S.C. 3972.

Dated: December 29, 1987.

William J. Bennett,

Secretary of Education.

[FR Doc. 87–30123 Filed 12–31–87; 8:45 am]

BILLING CODE 4000–01–M

[CFDA No.: 84.168F]

Notice Inviting Applications for New Awards Under the Secretary's Discretionary Program for Mathematics, Science, Computer Learning, and Critical Foreign Languages (Critical Foreign Languages Program) for Fiscal Year 1988

Purpose: To provide assistance to institutions of higher education for projects designed to improve or expand instruction in critical foreign languages.

Deadline for Transmittal of Applications: February 26, 1988.

Applications Available: January 15, 1988.

Available Funds: $2,250,000.

Estimated Range of Awards: $75,000–$150,000.

Estimated Average Size of Awards: $100,000.

Estimated Number of Awards: 22.

Project Period: 12–24 months.

Applicable Regulations: (a) Secretary's Discretionary Program for Mathematics, Science, Computer Learning, and Critical Foreign Languages Regulations, 34 CFR Part 755, (b) the Education Department General Administrative Regulations, 34 CFR Parts 74, 75, 77, and 78, and (c) the List of Critical Foreign Languages published in the **Federal Register** on August 2, 1985 (50 FR 31412).

Absolute Priority: In accordance with § 755.13(c) and 34 CFR 75.105(c)(3), the

Secretary has chosen as an absolute priority projects that improve or expand critical foreign language instruction to students in kindergarten through eighth grade. Only applications proposing activities under this priority will be considered.

Within this absolute priority, the Secretary is particulary interested in applications proposing projects that assist students for kindergarten through eighth grade through projects that will:

- Establish collaborative efforts among State and local educational agencies, communities, and institutions of higher education to increase student interest in foreign language study;
- Enable LEAs to extend instruction in foreign languages and cultures to disadvantaged students, particularly gifted and talented minority youth;
- Enable LEAs to strengthen existing foreign language programs for students in kindergarten through eighth grade to improve and increase language proficiency;
- Enable LEAs to Add to the curriculum in kindergarten through eighth grade languages not currently offered; or
- Provide opportunities to upgrade and strengthen the knowledge and proficiency of foreign language teachers currently teaching kindergarten through the eighth grade.

For Fiscal Year 1988 the Secretary invites applications for projects in any of the languages on the List of Critical Foreign Languages.

The above examples are meant to illustrate the types of activities the Secretary is interested in supporting. Applicants are encouraged to submit applications that expand upon, or combine the suggested activities, and to propose other activities to improve and expand instruction in critical foreign languages.

Selection Criteria: The program regulations at §§ 755.30 (b) and (d) authorize the Secretary to distribute an additional 15 points among the criteria described in § 755.33 to bring the total to a maximum of 100 points. For the purposes of this competition, the Secretary will distribute the additional points as follows:

Quality of key personnel. (§ 755.33(b)) Ten (10) additional points will be added for a possible total of 20 points.

Improvement or expansion of instruction in critical foreign languages. (§ 755.33(f)) Five (5) additional points will be added for a possible total of 35 points.

For Applications or Information Contract: Secretary's Discretionary Fund, U.S. Department of Education, 400 Maryland Avenue, SW., Room 4132, Washington, DC 20202. Telephone (202) 732–3566.

Program Authority: 20 U.S.C. 3972.

Dated: December 29, 1987.

William J. Bennett,

Secretary of Education.

[FR Doc. 87–30124 Filed 12–31–87; 8:45 am]

BILLING CODE 4000–01–M

[CFDA No: 84.184A]

Notice Inviting Applications for New Awards under the Drug-Free Schools and Communities Program—Training and Demonstration Grants to Institutions of Higher Education for Fiscal Year 1988

Purpose: To provide assistance to institutions of higher education for projects that provide preservice or inservice personnel training or curriculum demonstration in drug and alcohol abuse education and prevention for use in elementary and secondary schools.

Deadline for Transmittal of Applications: February 26, 1988.

Applications Available: January 15, 1988.

Available Funds: $8,000,000.

Estimated Range of Awards: $75,000–$250,000.

Estimated Average Size of Awards: $180,000.

Estimated Number of Awards: 44.

Project Period: 12–24 months.

Applicable Regulations: (a) The final regulations governing the Drug-Free Schools and Communities Program—Training and Demonstration Grants to Institutions of Higher Education, 34 CFR Parts 764 and 765, published in the **Federal Register** July 30, 1987 (52 FR 28526), and (b) the Education Department General Administrative Regulations, 34 CFR Parts 74, 75, 77, and 78.

Absolute Priority: In accordance with § 765.4 (b) and (c) and 34 CFR 75.105(c)(3), the Secretary has chosen as an absolute priority projects that provide training for law enforcement officials, judicial officials, community leaders, parents, and government officials in drug abuse education and prevention.

Within this absolute priority the Secretary is particularly interested in projects that implement cooperative programs with local law-enforcement agencies, the courts, and other community resources. However, applications meeting this invitational priority will not be given an absolute or competitive preference over other applications that meet the absolute priority established above.

Selection Criteria: The program regulations at § 765.20 authorize the Secretary to distribute an additional 15 points among the criteria described in the regulations at § 765.21 to bring the total to a maximum of 100 points. For the purpose of this competition, the Secretary will distribute the additional points as follows:

Plan of operation. (§ 765.21(a)) Five (5) additional points will be added for a possible total of 25 points for this criterion;

Budget and cost-effectiveness. (§ 765.21(c)) Five (5) additional points will be added for a possible total of 10 points for this criterion; and

Contribution to improving the quality of drug and alcohol abuse education and prevention activities. (§ 765.21(f)) Five (5) additional points will be added for a possible total of 30 points for this criterion.

For Applications or Information Contact: Secretary's Discretionary Fund, U.S. Department of Education, 400 Maryland Avenue, SW., Room 4132, Washington, DC 20202. Telephone (202) 732–3566.

Program Authority: 20 U.S.C. 4641.

Dated: December 29, 1987.

William J. Bennett,

Secretary of Education.

[FR Doc. 87–30121 Filed 12–31–87; 8:45 am]

BILLING CODE 4000–01–M

[CFDA No: 84.184B]

Notice Inviting Applications for New Awards Under the Drug-Free Schools and Communities Program—Federal Activities Grants Program for Fiscal Year 1988

Purpose: To provide assistance to State educational agencies, local educational agencies, institutions of higher education and other nonprofit agencies, organizations, and institutions to support drug and alcohol abuse education and prevention activities.

Deadline for Transmittal of Applications: February 26, 1988.

Applications Available: January 15, 1988.

Available Funds: $1,500,000.

Estimated Range of Awards: $100,000–$200,000.

Estimated Average Size of Awards: $150,000.

Estimated Number of Awards: 10.

Project Period: 12–18 months.

Applicable Regulations: (a) The final regulations governing the Drug-Free Schools and Communities Program—Federal Activities Grants Program, 34 CFR Parts 764 and 766, published in the **Federal Register** on July 30, 1987 (52 FR 28526), and (b) the Education Department General Administrative Regulations, 34 CFR Parts 74, 75, 77, and 78.

Absolute Priorities: In accordance with § 766.4 and 34 CFR 75.105(c)(3), the Secretary chooses two absolute priorities for this competition. Applications for this competition must propose projects that either:

(1) Implement cooperative programs with local law-enforcement officials, judicial officials, community leaders, and government officials; or

(2) Involve parents and school personnel in preventing drug and alcohol abuse by students through activities such as educating parents and school personnel about substance abuse and how it may be prevented, detected, and treated.

Selection Criteria: The program regulations at § 766.20 authorize the Secretary to distribute an additional 15 points among the criteria described in the regulations at § 766.21 to bring the total to a maximum of 100 points. For the purpose of this competition, the Secretary will distribute the additional points as follows:

Plan of operation. (§ 766.21(a)) Five (5) additional points will be added for a possible total of 25 points for this criterion.

Budget and cost-effectiveness. (§ 766.21(c)) Five (5) additional points will be added for a possible total of 10 points for this criterion.

Contribution to improving the quality of drug and alcohol abuse education and prevention activities. (§ 765.21(f)) Five (5) additional points will be added for a possible total of 30 points for this criterion.

For Applications or Information Contact: Secretary's Discretionary Fund, U.S. Department of Education, 400 Maryland Avenue, SW., Room 4132, Washington, DC. 20202. Telephone: (202) 732–3566.

Program Authority: 20 U.S.C. 4642.

Dated: December 29, 1987.

William J. Bennett,

Secretary of Education.

[FR Doc. 87–30122 Filed 12–31–87; 8:45 am]

BILLING CODE 4000–01–M

[CFDA No. 84.133B]

Notice Reopening the Closing Date for Transmittal of Applications for New Awards Under the National Institute on Disability and Rehabilitation Research (NIDRR) In Certain Priority Areas of the Rehabilitation Research and Training Centers Program for Fiscal Year 1988

Purpose: Provides funding through grants or cooperative agreements to institutions of higher education or to public or private agencies or organizations, including Indian tribes or tribal organizations, in affiliation with institutions of higher education, to conduct programs that meet the specifications for funding in certain priorities published in the **Federal Register** on September 18, 1987 (52 FR 35380). NIDRR did not receive sufficient fundable applications in response to that notice, and thus is reopening the closing date in order to encourage the submission of additional applications or the resubmission of amended applications to two priority areas. The two areas in which applications will be accepted are Arthritis and Related Musculoskeletal Disabilities, and Rehabilitation of Traumatic Brain Injury (TBI) and Stroke.

Deadline for Transmittal of Applications: February 29, 1988.

Applications Available: January 4, 1988 *Available Funds:* $1,300,000.

Estimated Range of Awards: $600,000–$700,000.

Estimated Average Award: $650,000 per year.

Estimated Number of Awards: Two.

Project Period: Up to 60 months.

Applicable Regulations: (a) Education Department General Administrative Regulations, 34 CFR Parts 74, 75, 77, and 78, (b) NIDRR regulations at 34 CFR 350 and 352, and (c) the annual funding priorities for this program.

For Applications or Information Contact: National Institute on Disability and Rehabilitation Research, U.S. Department of Education, 400 Maryland Avenue, SW., Switzer Building, Room 3070, Washington, DC, 20202. Telephone: (202) 732–1207, or (202) 732–1198 for TDD service.

Program Authority: 29 U.S.C. 762(b)(1).

Dated: December 28, 1987.

Madeleine Will,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 87–30120 Filed 12–31–87; 8:45 am]

BILLING CODE 4000–01–M

National Advisory Council on Indian Education; Closed Meeting

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Proposal Review Committee of the National Advisory Council on Indian Education. This notice also describes the functions of the Council. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. 2.

DATES: January 21–22, 1988, 9:00 a.m. until conclusion of business each day.

ADDRESS: U.S. Department of Education, 400 Maryland Avenue, SW., Room 2177, Washington, DC 202/732–1887.

FOR FURTHER INFORMATION CONTACT: Lincoln C. White, Executive Director, National Advisory Council on Indian Education, 330 C Street, SW., Room 4072, Switzer Building, Washington, DC 20202 (202/732–1353).

SUPPLEMENTARY INFORMATION: The National Advisory Council on Indian Education is established under section 442 of the Indian Education Act (20 U.S.C. 1221g). The Council is established to, among other things, assist the Secretary of Education on carrying out responsibilities under the Indian Education Act (Title IV of Pub. L. 92–318), and to advise Congress, and the Secretary of Education, the Under Secretary of Education and the Assistant Secretary of Elementary and Secondary Education with regard to education programs benefiting Indian children and adults.

The Proposal Review Committee of the Council will meet in closed session starting at approximately 9:00 a.m., and will end at the conclusion of business each day, approximately 5:00 p.m. The agenda includes reviewing applications submitted under the (1) Indian Controlled Schools authorized by Part A of the Indian Education Act; (2) planning, Pilot and Demonstration Projects and Educational Personnel Development (section 1005 and 422) authorized by Part B of the Indian Education Act; and, (3) planning, Pilot and Demonstration Projects for Indian Adults Program and Educational Services for Indian Adults Program authorized by Part C of the Indian Education Act. Under section 442(b)(2) of Part D of the Indian Education Act, the Council is authorized to review applications for assistance submitted under this program and to make recommendations to the Secretary of Education with respect to their approval.

The reviewing of applications must be held in the highest confidence until the announcement is released by proper authorities as to which projects will be funded. The premature disclosure of information discussed during the review process is likely to significantly frustrate implementation of agency action. Financial information which is privileged or confidential contained in and related to these proposals will be discussed at the review session. In addition, discussion will touch upon matters that would disclose information of a personal nature, where disclosure would constitute a clearly unwarranted invasion of personal privacy if conducted in open session. Such matters are protected by exemptions (9), (4), and (6) of section 552b(c) of Title 5 U.S.C..

A summary of the activities of the closed meeting and related matters which are informative to the public consistent with the policy of Title 5 U.S.C. 552b will be available to the public within fourteen days of the meeting.

Date: December 9, 1987. Signed at Washington, DC.

Lincoln C. White,

Executive Director, National Advisory Council of Indian Education.

[FR Doc. 87-30172 Filed 12-31-87; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Assistant Secretary for International Affairs and Energy Emergencies

European Atomic Energy Community and International Atomic Energy Agency; Proposed Subsequent Arrangement

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation between the Government of the United States of America and the European Atomic Energy Community (EURATOM) concerning Peaceful Uses of Atomic Energy as amended, and the Agreement for Cooperation between the Government of the United States of America and the International Atomic Energy Agency (IAEA) concerning Peaceful Application of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above-mentioned agreements involves approval of the following retransfer:

RTD/IAEA(EU)-17, for the transfer to the IAEA Safeguards Analytical Laboratory, Siebersdorf, Austria of 2,030 grams of uranium enriched to 19.75 percent in the isotope uranium-235, 2,030 grams of uranium enriched to 3.1 percent in the isotope uranium-235, 2,030 grams of natural uranium, and 2,030 grams of uranium containing 0.7 percent uranium-235 for safeguards inspection equipment calibration.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Date: December 28, 1987.

George J. Bradley, Jr.

Principal Deputy Assistant Secretary for International Affairs and Energy Emergencies.

[FR Doc. 87-30099 Filed 12-31-87; 8:45 am]

BILLING CODE 6450-01-M

Nuclear Energy Commission; Proposed Subsequent Arrangement

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" pursuant to general license issued by the U.S. Nuclear Regulatory Commission.

The Subsequent arrangement to be carried out under the above-mentioned general license involves approval of the following sale:

Contract Number S-EU-930, for the sale of 635.8 grams of natural uranium to the Compagnie Generale des Matieres Nucleaires (COGEMA) in France for use as standard reference material.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Date: December 28, 1987.

George J. Bradley, Jr.

Principal Deputy Assistant Secretary for International Affairs and Energy Emergencies.

[FR Doc. 87-30100 Filed 12-31-87; 8:45 am]

BILLING CODE 6450-01-M

Office of Conservation and Renewable Energy

Energy Conservation Program For Consumer Products; Granting of Interim Waiver of Furnace Test Procedures to Carrier Corporation (F-015I)

AGENCY: Conservation and Renewable Energy Office, Energy.

ACTION: Granting of interim waiver.

SUMMARY: Today's notice publishes the granting of an "Interim Waiver" to Carrier Corporation (Carrier). Carrier in its application for interim waiver, asks for variance from the existing DOE test procedures for furnaces when testing its gas-fueled forced-air condensing furnace identified as model series 58SXB (Carrier brand) and model series 398B (Bryant, Day and Night, and Payne brands).

In accordance with paragraph (e) of § 430.27 of Title 10 of the Code of Federal Regulations, the following letter was issued to the Carrier Corporation.

Issued in Washington, DC, December 23, 1987.

Donna R. Fitzpatrick,

Assistant Secretary, Conservation and Renewable Energy.

December 23, 1987.

Mr. Edward A. Baily,

Director, Government and Industry Relations, Carrier Corporation, P.O. Box 4808, Syracuse, New York 13221

Dear Mr. Baily: This is in response to Carrier Corporation's Application for Interim Waiver, dated December 4, 1987, from the Department of Energy (DOE) test procedures for furnaces when testing its gas-fueled forced-air condensing furnace identified as model series 58SXB (Carrier brand) and model series 398B (Bryant, Day and Night, and Payne brands).

Carrier submitted an Application for Interim Waiver, dated August 3, 1987, for the same furnace models. The Application was denied on the basis that the company did not provide sufficient information for the Department to evaluate what, if any, economic hardship Carrier will experience absent a favorable determination on the application. 52 FR 45233, Nov. 25, 1987.

In this subsequent Application for Interim Waiver, Carrier has provided additional information which DOE believes demonstrates the economic hardship Carrier will experience absent a favorable determination on the application. Specifically, Carrier states that since the existing procedures underrate the AFUE, Carrier is unable to market at an appropriate price the 58SXB and 398B models which currently are being produced. Consequently, Carrier's options are immediate inventory costs if it decides to wait for a possible favorable determination on the petition for waiver, or a reduced market price for the

furnace. In either case, DOE believes Carrier will experience economic hardship.

In addition, in view of the technical merits of the Petition for Waiver, filed by Carrier, 52 FR 45233, Nov. 25, 1987, it appears likely the petition will be granted.

Accordingly, Carrier's Application for Interim Waiver dated December 4, 1987, is granted.

Carrier is allowed to test its series 58SXB and 398B furnaces using the nominal temperature rise rather than the maximum temperature rise. Specifically, Carrier is allowed to test said furnaces without regard to section 8.4.2.1.7 of Standard 103 of the American Society of Heating, Refrigerating and Air Conditioning Engineers.

This Interim Waiver shall remain in effect for 180 days from the date of issuance or until the Department of Energy issues a determination of Carrier's Petition for Waiver or a final test procedure amendment addressing this issue, whichever occurs first.

This Interim Waiver is based upon the presumed validity of statements, allegations, and documentary materials submitted by the applicant. This Interim Waiver may be revoked or modified at any time upon a determination that the factual basis underlying the application is incorrect.

Yours truly,

John R. Berg,

for Donna R. Fitzpatrick,

Assistant Secretary, Conservation and Renewable Energy.

[FR Doc. 87-30160 Filed 12-31-87; 8:45 am]

BILLING CODE 6450-01-M

National Energy Extension Service Advisory Board; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following advisory committee meeting:

Name: National Energy Extension Service Advisory Board.

Date and Time:

Thursday, January 21, 1988, 8:00 a.m.—5:00 p.m.

Friday, January 22, 1988, 8:00 a.m.—12:00 noon

Place: Omni Georgetown Hotel, 2121 P Street, NW., Washington DC 20037.

Contact: Susan D. Heard, Department of Energy, Forrestal Building—6A081, 1000 Independence Avenue, SW., Washington, DC 20585, Telephone: 202-586-8290.

Purpose of the Board: The Board was established to carry on a continuing review of the National Energy Extension Service and the plans and activities of each State in implementaing Energy Extension Service programs. Additionally, the Board is responsible for reporting on an annual basis to the Congress, the Secretary of Energy, and the Director of the Energy Extension Service.

Tentative Agenda:

Thursday, January 21, 1988

- Preparation of a draft of the Board's Ninth Annual Report
- Public comment (10 minute rule)

Friday January 22, 1988

- Preparation of a draft of the Board's Ninth Annual Report
- Public comment (10 minute rule)

Public Participation: The meeting is open to the public. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Susan D. Heard at 202-586-8290. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda.

Transcripts: Available for public review and copying at the Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 9 A.M. and 4 P.M., Monday thru Friday, except Federal holidays.

Issued at Washington, DC on December 29, 1987.

Howard H. Raiken,

Advisory Committee Management Officer.

[FR Doc. 87-30159 Filed 12-31-87; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[ERA Docket No. 87-57-NG]

Northridge Petroleum Marketing U.S., Inc.; Order Extending Blanket Authorization To Import Natural Gas From Canada

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of order extending blanket authorization to import natural gas from Canada.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice that it has issued an order granting Northridge Petroleum Marketing U.S., Inc. (Northridge), blanket authorization to import natural gas from Canada. The order issued in ERA Docket No. 87-57-NG authorizes Northridge to increase its import from 100 Bcf to 200 Bcf over an additional two-year period for sale in the domestic spot market.

A copy of this order is available for inspection and copying in the Natural Gas Division Docket Room, GA-076, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, 20585, (202) 586-9478. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, December 24, 1987.

Constance L. Buckley,

Director, Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 87-30161 Filed 12-31-87; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. ER88-146-000, et al.]

Boston Edison Co., et al.; Electric Rate and Corporate Regulation Filings

December 28, 1987.

Take notice that the following filings have been made with the Commission:

1. Boston Edison Company

[Docket No. ER88-146-000]

Take notice that on December 21, 1987, Boston Edison Company (Edison) tendered for filing a supplemental Exhibits A to a Service Agreement for Braintree Electric Light Department (Braintree), under its FERC Electric Tariff, Original Volume No. III, Non-Firm Transmission Service (Tariff). The Exhibit A specifies the amount and duration of transmission service required by Braintree under the Tariff.

Edison requests waiver of the Commission's notice requirements to permit the Exhibits A to become effective as of the commencement date of the transaction to which it relates, November 1, 1987.

Edison states that it has served the filing on Braintree and the Massachusetts Department of Public Utilities.

Comment date: January 11, 1988, in accordance with Standard Paragraph E at the end of this notice.

2. Southwestern Public Service Company

[Docket No. ER88-47-000]

Take notice that on December 18, 1987, Southwestern Public Service Company (Southwestern) tendered for filing an amendment to its original filing of an Experimental Sales Benefit Credit Rider to flow through to wholesale customers, on a current basis, seventy-

five percent of the benefits from Western Systems Power Pool (WSPP) transactions.

Copies of the Supplemental Filing were served upon each affected wholesale customers, the service list designees, the Public Utility Commission of Texas, the New Mexico Public Service Commission, and the Corporation Commission of the State of Oklahoma

Comment date: January 11, 1988, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-30087 Filed 12-31-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER82-483-029, et al.]

MSU System Services, Inc., et al; Electric Rate and Corporate Regulation Filings

December 24, 1987.

Take notice that the following filings have been made with the Commission:

1. MSU System Service, Inc.

[Docket No. ER82-483-029]

Take notice that on February 24, 1987, MSU System Services, Inc. (MSSI) tendered for filing pursuant to Commission letter dated January 20, 1987 and in compliance with the Commission's Opinion Nos. 246 and 246-A, a refund report in which the resale rate in the MSSI power pool of energy purchased from qualifying facilities that has not been in excess of the compliance rate accepted; therefore, no refunds are due.

Comment date: January 7, 1988, in accordance with Standard Paragraph E at the end of this notice.

2. Northern States Power Company

[Docket No. ER88-75-000]

Take notice that on December 17, 1987, Northern States Power Company (NSP-Minn.) tendered for filing pursuant to Commission deficiency letter dated December 9, 1987, a volume of supplemental workpapers. The workpapers provide detail on how the Average Rate Method is used to develop NSP-Minn.'s provision for deterred taxes.

NSP-Minn. requests waiver of the 60-day notice requirement to allow the rate increase filed in this docket to become effective on January 1, 1988.

Comment date: January 7, 1988, in accordance with Standard Paragraph E at the end of this notice.

3. Public Service Electric and Gas Company

[Docket No. ER88-145-000]

Take notice that on December 18, 1987, Public Service Electric and Gas Company (PSE&G) tendered for filing an initial Rate Schedule to provide transmission service to O'Brien Energy Systems, Inc. (O'Brien). The Rate Schedule provides for a monthly transmission service charge of $.75 per kilowatt plus $.00029 per kilowatthour for the delivery of the net electric power output of O'Brien's qualifying facility to be located in the City of Newark, Essex County, New Jersey to Jersey Central Power and Light Company.

PSE&G requests, with the customer's consent, a waiver of the Notice Requirements of § 35.3(a) of the Commission's Regulations so that the Rate Schedule can be submitted for filing at this time and PSE&G further requests that the filing be made effective within sixty (60) days of the date of this filing.

PSE&G states that a copy of this filing has been served by mail upon the customer and the New Jersey Board of Public Utilities.

Comment date: January 7, 1988, in accordance with Standard Paragraph E at the end of this notice.

4. Wisconsin Public Service Corporation

[Docket No. ER88-63-000]

Take notice that on December 17, 1987, Wisconsin Public Service Corporation (Company) tendered for filing a new Original Sheet 22 to its W-3 tariff which was tendered for filing on October 30, 1987 for service to Consolidated Water Power Company (Customer). The new Sheet 22 adds to Service Schedule B a cap on the weekly price quotes for sales under the Service Schedule which is equal to the Company's estimated variable costs of providing Service Schedule B energy during the week plus 1.27¢ per kWh as applied to the Service schedule B energy sold during a week. The Company states that the 1.27¢ per kWh component of the cap equals the Company's annual generation and transmission fixed costs, divided by its peak load, less transmission losses and Company use, and converted to cents per kWh using a 100% load factor.

The Company has requested a waiver of the Commission's regulations so that the W-3 tariff, as revised by the new Original Sheet No. 22, may become effective on January 1, 1988. The Customer supports this request.

The Company states that copies of the filing were sent to the customer, to Manitowoc Public Utilities and Marshfield Electric and Water Department, which take partial requirements service from the Company under its W-2 tariff, and to the Public Service Commission of Wisconsin.

Comment date: January 7, 1988, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Louis D. Cashell

Acting Secretary.

[FR Doc. 87-30088 Filed 12-31-87; 8:45 am]

BILLING CODE 6717-01-M

Federal Energy Regulatory Commission.

[P-3023-001]

Hydroelectric Applications

December 24, 1987.

Take notice that the following hydroelectric filing has been made with the Federal Energy Regulatory Commission and is available for public inspection:

a. *Type of Application:* Transfer of License.

b. *Project No.:* 3023–001.

c. *Date Filed:* November 23, 1987.

d. *Applicant:*

The Tupperware Company (licensee) Blackstone Hydro, Inc. (transferee)

e. *Name of Project:* Tupperware Hydroelectric.

f. *Location:* Providence County, Rhode Island and Worchester County, Massachusetts on the Blackstone River.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:*

Charles K. Greenwald, Director-Corporate Real Estate, Premark International, Inc., 1717 Deerfield Road, Deerfield, IL 60015, (312) 405–6223

Donald A. Shindler, Attorney, Rudnick & Wolfe, 30 North LaSalle Street, Suite 2500, Chicago, IL 60602

Wayne L. Rogers, President, Blackstone Hydro, Inc., 410 Severn Avenue, Suite 313, Annapolis, MD 21403, (301) 268–8820

i. *FERC Contact:* Dawna Leitzke, (202) 376–9820.

j. *Comment Date:* January 11, 1988.

k. *Description of Project:* November 23, 1987, the Tupperware Company (licensee), and Blackstone Hydro, Inc. (transferee), filed a joint application for transfer of a major license for the Tupperware Hydroelectric Project No. 3023.

The purpose of the proposed transfer of the license is to ensure the continued operation of the facility. The proposed transfer would be in the public interest.

The proposed transfer will not result in any changes in the proposed development. The transferee will comply with all terms and conditions of the license.

Tupperware is currently in the process of selling the hydroelectric facility to Blackstone Hydro, Inc. and the manufacturing facility and other lands to Blackstone Smithfield Corporation.

The project boundary as drawn in the area of the powerhouse, Exhibit G–7 contained lands beyond the minimum feasible distance from project works required by 18 CFR 4.61(4)(i). The revised project boundary is necessary in order to finalize the subdivision of property and allow the transfer of property to Blackstone Smithfield Corporation and Blackstone Hydro, Inc.

Project operations, water levels and project works constructed pursuant to the license remain unchanged in the revised Exhibit G–7. The tennis courts, swimming pool, outdoor play area, picnic area, baseball field and indoor meeting area with kitchen facilities which were constructed by Tupperware in connection with the original manufacturing facility, prior to the FERC license, are to be transfered with the manufacturing property to Blackstone Smithfield Corporation, a party unrelated to Blackstone Hydro, Inc. The plant purchaser, Blackstone Smithfield Corporation, intends that the recreation area remain open to the public. Should a change in recreation use occur in the future the Commission, pursuant to Article 17 of the license, may provide that the licensee construct recreational facilities.

1. This notice also consists of the following standard paragraphs: B & C.

B. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATIONS", "PROTEST" or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing is in response. Any of the above named documents must be filed by providing the original and the number of copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426. An additional copy must be sent to: Mr. Edward A. Abrams, Acting Director, Division of Project Management, Federal Energy Regulatory Commission, Room 203–RB, at the above address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87–30089 Filed 12–31–87; 8:45 am]

BILLING CODE 6717–01–M

[P–2725–016]

Hydroelectric Applications

December 28, 1987.

Take notice that the following hydroelectric application has been filed with the Federal Energy Regulatory Commission and is available for public inspection:

a. *Type of Application:* Transfer of License and Extension of Completion Request.

b. *Project No.:* 2725–016.

c. *Date Filed:* December 2, 1987.

d. *Applicant:* Georgia Power Company and Oglethorpe Power Corporation.

e. *Name of Project:* Rocky Mountain Project.

f. *Location:* On Heath Creek in Big Texas Valley, in Floyd County, Georgia.

g. *Filed Pursuant to:* Section 9 of the Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* For Georgia Power (transferor)

William H. Watson, General Manager, Fossil and Hydro Projects, Georgia Power Company, 333 Piedmont Avenue, NE., Atlanta, GA 30308

John R. Molm, Esq., Troutman, Sanders, Lockerman & Ashmore, 127 Peachtree Street, NE., Atlanta, GA 30043

For Oglethorpe Power (transferee)

Tom D. Kilgore, Senior Vice President, Power Supply Division, Oglethorpe Power Corporation, 2100 East Exchange Place, P.O. Box 1349, Tucker, GA 30085–1349.

i. *FERC Contact:* Ed Lee on (202) 376–9828.

j. *Comment Date:* January 13, 1988.

k. *Description of Project:* On January 21, 1977, a license was issued to the transferor for the 760–MW Rocky Mountain Project No. 2725. The transferor and transferee, as joint applicants, request that the Commission approve the following:

(1) A transfer of license to the transferor and transferee as joint licensees, and a transfer of project properties, including partially constructed project works.

(2) An amendment of license extending the completion date for construction of the project works until June 1, 1996; and

(3) A waiver of the 60-day requirement of section 9.3(b) of the Commissions regulations to submit instruments of conveyance of transfer.

1. This notice also consists of the following standard paragraphs: B and C

B. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the

requirements of the Rules of Practice and Procedure, 18 CFR 385.210, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST" or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing is in response. Any of the above named documents must be filed by providing the original and the number of copies required by the Commission's regulations to: Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426. An additional copy must be sent to: Mr. Edward A. Abrams, Acting Director, Division of Project Management, Federal Energy Regulatory Commission, Room 203–RB, at the above address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87–30090 Filed 12–31–87; 8:45 am]

BILLING CODE 6717–01–M

[P–9074–017]

Hydroelectric Applications

December 28, 1987.

Take notice that the following hydroelectric application has been filed with the Federal Energy Regulatory Commission and is available for public inspection:

a. *Type of Application:* Transfer of License.

b. *Project No.:* 9074–017.

c. *Date filed:* December 18, 1987.

d. *Applicant:* Adirondack Hydro Development Corporation & Warrensburg Hydro Power Limited Partnership.

e. *Name of Project:* Warrensburg Project.

f. *Location:* On the Schroon River, Warren County, New York.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791 a—825(r).

h. *Applicant Contact:* Mr. Louis Rosenman LeBoeuf, Lamb, Leiby, & MacRae, 1333 New Hampshire Avenue NW., Washington, DC 20036, (202) 457–7500.

i. *FERC Contact:* Robert Bell, (202) 376–5706.

j. *Comment Date:* January 11, 1988.

k. *Description of Project:* On January 30, 1987, a license was issued to Adirondock Hydro Development Corporation (licensee), to construct, operate, and maintain the Warrensburg Project No. 9074. The Licensee intends to transfer the license to Warrensburg Hydro Power Limited Partnership (transferee) to facilitate the long term financing of the project.

1. This notice also consists of the following standard paragraphs: B and C.

B. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS" NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST" or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing is in response. Any of the above named documents must be filed by providing the original and the number of copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426. An additional copy must be sent to: Mr. Edward A. Abrams Acting Director, Division of Project Management, Federal Energy Regulatory Commission, Room 203–RB, at the above address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87–30091 Filed 12–31–87; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. ID–2315–000, et al.]

Eleanor T. Daly, et al.; Interlocking Directorate Applications

December 28, 1987.

Take notice that the following filings have been made with the Commission:

1. Eleanor T. Daly

[Docket No. ID–2315–000]

Take notice that on November 16, 1987, Eleanor T. Daly filed an application pursuant to section 305(b) of the Federal Power Act for Commission authorization to hold concurrently the following positions:

Position	Name of Corporation	Classification
Officer	Boston Edison Company.	Public Utility.
Director	Phoenix Mutual Life Insurance Company.	Mutual Life Insurance Company.

Comment date: January 7, 1988, in accordance with Standard Paragraph E at the end of this notice.

2. Herbert Roth, Jr.

[Docket No. ID–2317–000]

Take notce that on November 16, 1987, Herbert Roth, Jr. filed an application pursuant to section 305(b) of the Federal Power Act for Commission authorization to hold concurrently the following positions:

Position	Name of Corporation	Classification
Director	Boston Edison Company.	Public Utility.
Director	Phoenix Mutual Life Insurance Company.	Mutual Life Insurance Company.

Comment date: January 7, 1988, in accordance with Standard Paragraph E at the end of this notice.

Kenneth I. Guscott

[Docket No. ID–2316–000]

Take notce that on November 16, 1987, Kenneth I. Guscott filed an application pursuant to section 305(b) of the Federal Power Act for Commission authorization

to hold concurrently the following positions:

Position	Name of corporation	Classification
Director	Boston Edison Company.	Public Utility.
Director	Phoenix Mutual Life Insurance Company.	Mutual Life Insurance Company.

Comment date: January 7, 1988, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-30092 Filed 12-31-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP88-109-000, et al.]

El Paso Natural Gas Co., et al.; Natural Gas Certificate Filings

December 28, 1987.

Take notice that the following filings have been made with the Commission:

1. El Paso Natural Gas Company

[Docket No. CP88-109-000]

Take notice that on December 4, 1987, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP88-109-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Tennessee to transport gas on behalf of the City of Willcox, Arizona (Willcox), pursuant to agreements dated September 11, 1985, and June 18, 1987, both as amended, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

El Paso states that the proposed transportation service was initiated for Willcox under Part 284, Subpart B of the Commission's Regulations and resulted from a request to transport for Willcox certain natural gas supplies either obtained by Willcox's own spot market purchase arrangements or obtained from other marketing arrangements. El Paso advises that this self-help effort has provided Willcox with varying quantities of natural gas which are: (i) Incremental to the volumes of natural gas sold by El Paso to Willcox; and (ii) less costly than El Paso's commodity sales volumes. El Paso states that the proposed transportation arrangement generally provides for El Paso to receive volumes of natural gas purchased by Willcox from various sources in the States of New Mexico and Texas at designated existing receipt points on El Paso's system and for El Paso concurrently to transport and deliver equivalent quantities, on a dekatherm (dth) basis, less appropriate reductions, to Willcox at the existing delivery points in Cochise County, Arizona.

Further, El Paso states that with respect to past and current transportation services mentioned above and rendered by El Paso for Willcox, Willcox has specifically requested that El Paso seek permanent section 7(c) authority for the transportation and delivery of up to 59,100 Mcf per day of natural gas which amount represents the aggregate volume of natural gas service under contract by El Paso for Willcox. Accordingly El Paso has agreed to: (1) Seek section 7(c) authority to transport and deliver a maximum volume of up to 59,100 Mcf of natural gas per day; and (2) maintain Willcox's present priorities of transportation service with respect to the two existing transportation arrangements. El Paso states that it believes this is appropriate because neither of Willcox's requests for transportation service exceeds existing maximum levels of service (either as sales or transportation service). El Paso further states that the currently effective Service Agreement dated October 1, 1985, between El Paso and Willcox provides for the sale by El Paso of the full requirements of Willcox subject to El Paso's capacity at the existing delivery point(s). El Paso explains that the priority or queue for the later transportation arrangement will continue to be the June 18, 1987, date of Willcox's request to El Paso to transport the additional 37,800 Mcf per day.

El Paso states that Willcox has requested that El Paso provide section 7(c) certificated transportation service thereby providing Willcox with a greater assurance of the transportation of its supply to meet Willcox's demand associated with certain new facilities that would require additional natural gas service. It is stated that Willcox and El Paso, therefore, have executed two Letter Agreements dated November 15, 1987, that evidence the parties' written agreement to convert the existing Gas Transportation Agreement dated September 11, 1985, as amended, and the Transportation Service Agreement dated June 18, 1987, from Part 284 transactions to a permanent section 7(c) arrangement that will allow Willcox to have assured long-term and permanent transportation service. Moreover, it is further stated that El Paso understands that the volumes of natural gas obtained by Willcox will be utilized predominantly as a source of fuel to displace coal and/or fuel oil, thereby regaining a lost market of El Paso for future sales of natural gas.

El Paso further states that El Paso understands that Willcox requires the assurance of the supply of natural gas provided by the transportation service under a permanent section 7(c) arrangement to facilitate the financing of new facilities scheduled to be constructed and in-service next year. Specifically, it is stated that El Paso is advised that Willcox's customer, Arizona Electric Power Cooperative, Inc., projects expenditures, for retrofitting its Steam Unit #3 to burn gas as base load fuel, of $2,063,000 for such new facilities and has scheduled its existing facilities to be offline in November of 1988, with construction of the new facilities to commence shortly thereafter, restart and check-out with subsequent and commercial operation in December of 1988.

Comment date: January 19, 1988, in accordance with Standard Paragraph F at the end of this notice.

2. Northwest Pipeline Corporation

[Docket No. CP88-110-000]

Take notice that on December 4, 1987, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84108, filed in Docket No. CP88-110-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain natural gas services and facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Northwest requests permission and approval for Northwest to abandon its currently authorized sale for resale to Colorado Intestate Gas Company (CIG), transportation for CIG, and exchange

with CIG of natural gas produced from the Barrel Springs area of Carbon County, Wyoming. Further, Northwest requests abandonment authorization for its presently cerfiticated facilities in the Barrel Springs gathering system so that these facilities can be leased to Washakie Gathering Company (Washakie) without the need for any subsequent certificate authorization to Washakie.

It is stated that on April 7, 1976, Northwest and CIG entered into a gas purchase, transportatin and exchange agreement (Rate Schedule X–26) in order to make available to Northwest's transmission system volumes of gas to be purchased by Northwest in the Barrel Springs area of Carbon County, Wyoming. It is stated that under Rate Schedule X–26 Northwest agreed to construct gathering facilities and deliver its Barrel Springs gas to a meter station to be installed by CIG adjacent to the pipeline of Western Transmission Corporation (Western). It is stated that CIG agreed to arrange for transportation of the gas through Western's system and to redeliver thermally equivalent volumes to Northwest, less fuel and purchases, by reducing its system supply purchases from Northwest at the existing Green River, Wyoming, mainline interconnection between CIG and Northwest. CIG has the option to purchase up to 25 percent of the volumes tendered by Northwest for transportation and exchange and Northwest agreed to gather and deliver such purchased gas to CIG's meter station in Western's system, it is stated.

On August 31, 1976, the Commission issued certificates of public convenience and necessity to Northwest in Docket No. CP75–294, to CIG in Docket No. CP76–331, and to Western in Docket No. CP76–352 authorizing the above-described transportation, sales and exchange of natural gas, it is stated.

Northwest states that the Barrel Springs reserves originally were dedicated to Northwest under gas purchase contracts with American Resources Inc. (ARI) dated November 13, 1974, and Kemmerer Coal Company (KCC) dated November 13, 1974. It is stated that Barrel Springs Development Corporation (BSDC), a subsidiary of Energetics Corporation, subsequently acquired the Barrel Springs reserves and entered into a gas purchase contract with Northwest dated April 1, 1983, and, in late 1986, Snyder Oil Company (Snyder) acquired the Barrel Springs reserves.

Northwest stated that by order issued July 23, 1987, in Docket No. CI87–494–000, the Commission authorized Snyder to permanently abandon the sale to Northwest of the Barrel Springs gas previously dedicated to Northwest and approved pregranted abandonment of subsequent sales of this gas by Snyder under its small producer certificate for a term of three years.

It is stated that Northwest no longer had any gas purchase commitments in the Barrel Springs area, and Northwest and Washakie, an operating affiliate of Snyder, entered into a precedent agreement dated December 19, 1986, and, subsequently, a lease agreement dated September 1, 1987, providing for the lease of the Barrel Springs gathering system by Northwest to Washakie for a term of 20 years commencing on the first day of the month following Northwest's acceptance of a Commission order approving the facility abandonments requested herein.

Northwest states that, in order to move the Barrel Springs production and other supplies of gas acquired by Snyder to CIG and/or Western for subsequent transportation to Washakie's markets prior to the effective date of the above-described lease agreement, Northwest and Washakie entered into the gathering and operating arrangement set forth below.

Pursuant to a December 1, 1986, gathering agreement, as amended, Northwest agreed to gather up to 30,000 MMBtu of natural gas per day produced from the Barrel Springs and adjacent areas and to deliver such gas to existing delivery points to Western and CIG for the account of Washakie, it is stated, and that Washakie agreed to pay Northwest for all volumes gathered for its account at the monthly discounted Green River area gathering rate. Washakie pays Northwest for gathering fuel attributable to the Barrel Springs gas at the fuel rate set forth on Sheet No. 2–B of Volume No. 2 of its Tariff, currently 3.02 percent, valued at Northwest's monthly average purchased gas cost component, as defined on Sheet No. 10 in Northwest's FERC Gas Tariff, First Revised Volume No. 1, it is stated.

Northwest states that on April 1, 1987, Washakie and Northwest entered into an operating agreement whereby Northwest agreed to assign the operation and maintenance responsibility of the Barrel Spring gathering system to Washakie with Northwest retaining title to and ownership of the Barrel Springs facilities. Under the terms of the operating agreement, Northwest agreed to pay Washakie an operating fee equal to Northwest's monthly discounted Green River gathering rate, less 7 cents per MMBtu, it is stated.

Northwest further states that this partial abandonment of service, effectively, will ensure that Northwest's certificate authorization for service under Rate Schedule X–26 will reflect the changed terms set forth in the February 17, 1987, amendment to Rate Schedule X–26 for the movement of gas from the Creston Nose area of Sweetwater County, Wyoming.

Northwest proposes to reclassify the current net book value, approximately $3.8 million dollars, of the Barrel Springs gathering system from FERC Account 101, gas plant in service, to FERC Account 121, nonutility plant, effective upon the date when the lease agreement with Washakie becomes effective.

Northwest states that the proposed transfer of the Barrel Springs facilities from their current classification in FERC Account 101 to FERC Account 121 will remove the investment associated with the Barrel Springs gathering system from Northwest's calculation of its jurisdictional cost-of-service, thus relieving Northwest's customers from any cost responsibility related to the subject facilities.

Comment date: January 19, 1988, in accordance with Standard Paragraph F at the end of this notice.

3. Northwest Pipeline Corporation

[Docket No. CP88–111–000]

Take notice that on December 4, 1987, Northwest Pipeline Corporation (Northwest), P.O. Box 8900, Salt Lake City, Utah 84108, filed in Docket No. CP88–111–000 an application pursuant to section 7(b) of the Natural Gas Act for an order granting permission and approval to abandon the interruptible transportation of natural gas for Oregon Steel Mills (Oregon Steel), Development Associates, Inc. (Development) and Cascade Natural Gas Corporation (Cascade), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that pursuant to the Commission order dated April 30, 1987, issued in Docket Nos. CP86–345–002, CP86–707–001 and CP87–53–000, Northwest was authorized to transport on an interruptible basis up to 3,500 MMBtu per day for Oregon Steel, up to 50,000 MMBtu per day for Development and up to 150,000 MMBtu per day for Cascade.

Northwest states that certain conditions were attached to the certificate including a condition requiring the use of the Rate Schedule T–6 rate for transportation in place of the proposed rates set forth in Volume No. 2 of its FERC Gas Tariff for incremental (T–4) and replacement (T–5) on-system transportation.

It is stated that on May 31, 1987, services under the certificates were commenced under the Rate Schedule T–6 rate. Northwest further states that the Rate Schedule T–6 rate is inconsistent with the applicable Rate Schedule T–4 and T–5 rates established in the Docket No. RP85–13–000 rate case settlement.

Northwest proposes to abandon these services effective immediately in light of the complaint filed by James River Corporation of Nevada (James River) in Docket No. RP88–13–000. Northwest states that James River has alleged competitive injury resulting from Northwest's rendering of transportation service pursuant to the April 30, 1987, certificates.

Comment date: January 19, 1988, in accordance with Standard Paragraph F at the end of this notice.

Tennessee Gas Pipeline Company, a Division of Tenneco Inc.

[Docket No. CP88–126–000]

Take notice that on December 10, 1987, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed an application pursuant to section 7(b) of the Natural Gas Act for authorization to abandon the following described facilities:

(1) The Carthage Extension (Line No. 706A–100) consisting of facilities located in Panola County, Texas and described as follows: Approximately 8.56 miles of 16-inch pipeline beginning at the weld upstream of Tennessee's Valve No. 706A–101.1 located at the Champlin East Texas processing plant in the W. C. Gray Survey A–245 as detailed on Drawing No. TO–F1–706A–100–1, and running in a westerly direction to a point of termination known as Valve No. 706A–102 located at the Carthage Compressor Site situated in the J. A. Powers Suvey A–544 and depicted on Drawing No. TO–F1–706A–100–2.

(2) The Carthage Compressor Plant, consisting of a 2.028 acre tract of land being located in Panola County, Texas, together with all buildings, machinery, gas pipe lines, compressors, equipment and appliances situated on said land, and also including all equipment, appliances and appurtenances of every kind or nature whatsoever used or for use as a part of said properties, including 2 Clark 1320 h.p. compressor engines.

It is stated that these facilities were installed for the receipt and transportation of gas produced in the Carthage field and purchased by Tennessee under a gas purchase and sales agreement between Tennessee as Buyer and Union Pacific Resources Company (UPRC, formerly Champlin Petroleum Company) as Seller (the Purchase Agreement). It is further stated that the Carthage Compression Plant is located at the western end of the Carthage Extension and is utilized to enable gas produced at low wellhead pressures to enter the Carthage Extension at Valve No. 706A–102. It is asserted that the gas then flows to the eastern end of the Carthage Extension where, immediately upstream of Valve 760A–101.1, it is routed out of the Carthage extension and into a gas processing plant owned by UPRC (known as the Champlin East Texas Plant). On the discharge side of the Chaplin East Texas Plant it is indicated that the gas is measured and delivered into Tennessee's 20" Carthage lateral immediately downstream of Valve 706A–101.1. It is stated that this point of entry into Tennessee's system is the delivery point under the Purchase Agreement. Tennessee has no other obligation to receive gas into or deliver gas from the Carthage Extension, it is stated.

Tennessee states that all of the facilities to be abandoned have been fully depreciated and have a book valve of zero and that said facilities are not necessary for the operation of Tennessee's retained facilities connecting the Carthage Extension or for Tennessee's continued purchase of gas under the Purchase Agreement.

Tennessee further states that upon reciept of the requested abandonment authorization it will convey such facilities to UPRC as part of a settlement agreement between Tennessee and UPRC to resolve any and all take-or-pay disputes arising from the Purchase Agreement. Upon conveyance, UPRC will continue to operate the facilities in order to enable gas to enter the Champlin East Texas processing plant.

Comment date: January 19, 1988, in accordance with Standard Paragraph F at the end of this notice.

5. Williston Basin Interstate Pipeline Company

[Docket No. CP88–118–000]

Take notice that on December 9, 1987, Williston Basin Interstate Pipeline Company (Williston Basin), Suite 200, 304 East Rosser Avenue, Bismark, North Dakota 58501, filed in Docket No. CP88–118–000 an application pursuant to section 7(b) of the Natural Gas Act for an order granting permission and approval to abandon authority to transport natural gas for Ecological Engineering Systems, Inc. (EES) on behalf of Hebron Brick Company (Hebron), which authority was granted to Williston Basin in Docket No. CP85–877–000, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Williston Basin states that by order issued in this proceeding, Williston Basin was granted authority for the transportation of natural gas for EES. Williston Basin further states that as noted in the order, the underlying gas transportation agreement dated August 1, 1985, specified a term of two years from the date of initial deliveries. Williston Basin further states that it is unclear whether the Commission meant to limit the authorized transportation certificate authority to the initial two year term of the agreement, with pregranted abandonment, or issued permanent certificate authority.

Williston Basin requests an order permitting and approving the abandonment of the authority to transport natural gas for EES on behalf of Hebron, or in the alternative, a determination that pregranted abandonment authority has already been authorized.

Comment date: January 19, 1988, in accordance with Standard Paragraph F at the end of this notice.

6. Williston Basin Interstate Pipeline Company

[Docket No. CP88–119–000]

Take notice that on December 9, 1987, Williston Basin Interstate Pipeline Company (Williston Basin), Suite 200, 304 East Rosser Avenue, Bismark, North Dakota 58501, filed in Docket No. CP88–119–000 an application pursuant to section 7(b) of the Natural Gas Act for an order permitting and approving the abandonment of the authority to transport natural gas for Ladd Petroleum Corporation (Ladd), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Williston Basin states that by Commisison order issued February 4, 1987, in Docket No. CP85–534–000, Williston Basin was granted authority for the transportation of natural gas for Ladd. Williston Basin further states that upon receipt of such order, Williston Basin sought to execute a transportation service agreement with Ladd covering the transportation arrangement. However, it is stated, Ladd informed Williston Basin that it no longer requires the transportation service and therefore, the transportation authority is no longer necessary and should be abandoned.

Comment date: January 19, 1988, in accordance with Standard Paragraph F at the end of this notice.

7. Williams Natural Gas Company

[Docket No. CP88–108–000]

Take notice that on December 4, 1987, Williams Natural Gas Company (WNG), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP88–108–000 an application pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to construct and operate an additional delivery point in Lawrence County, Missouri, for the sale and delivery of gas to The Kansas Power and Light Company (KPL Gas Service), under WNG's blanket certificate issued in Docket No. CP82–479–000 pursuant to section 7(c) of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

WNG states that KPL Gas Service has requested an additional delivery point in order to serve the Hudson Turkey Farm in Monett, Missouri. It is also stated that the projected volume of delivery through these facilities would be 4,445 Mcf per year with a maximum peak load of 30 Mcf per day and the volume is anticipated to remain constant year to year. WNG estimates the cost of construction to be $6,240, which would be paid from treasury cash.

In addition, WNG states that this change is not prohibited by an existing tariff and it has sufficient capacity to accomplish the deliveries specified without detriment or disadvantage to its other customers.

Comment date: February 11, 1988, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commisison will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn, within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87–30093 Filed 12–31–87; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. QF88–118–000, et al.]

Archer-Daniels-Midland Co., et al.; Small Power Production and Cogeneration Facilities; Qualifying Status; Certificate Applications, etc.

December 28, 1987.

Comment date: Thirty days from publication in the **Federal Register**, in accordance with Standard Paragraph E at the end of this notice.

Take notice that the following filings have been made with the Commission.

1. Archer-Daniels-Midland Company

[Docket No. QF88–118–000]

On November 30, 1987, Archer-Daniels-Midland Company (Applicant) of 4666 Faries Parkway, Decatur, Illinois 62526, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in Mankato, Minnesota. The facility will consist of a multi-bed fluidized bed steam generator and a back-pressure steam turbine generator. Thermal energy recovered from the facility will be used in the plant for process purposes. The net electric power production capacity of the facility will be 5000 kW. The primary source of the energy will be coal. Construction of the facility began in April 1986.

2. Dravo Operations of Montgomery County, Inc.

[Docket No. QF88–142–000]

On December 8, 1987, Dravo Operations of Montgomery County, Inc., c/o Gibbs & Hill, Inc., 11 Penn Plaza, New York, New York 10001 submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility will be located in Montgomery County, Pennsylvania. The net electric power production capacity will be 23 megawatts. The primary energy source will be biomass in the form of municipal solid waste. No. 2 fuel oil will be used for start-up and control purposes, however, such fossil fuel uses will not exceed 25% of the total energy input to the facility during any calendar year period.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the

Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-30094 Filed 12-31-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA88-4-51-000]

Great Lakes Gas Transmission Co.; Proposed Changes in F.E.R.C. Gas Tariff

December 24, 1987.

Take notice that Great Lakes Gas Transmission Company (Great Lakes), on December 15, 1987, tendered for filing Ninth-A Revised Sheet Nos. 57(i) and 57(ii) to its FERC Gas Tariff, First Revised Volume No. 1 to be effective December 1, 1987.

Great Lakes states that Ninth-A Revised Sheet Nos. 57(i) and 57(ii) reflect changes in the price of gas purchased by Great Lakes from TransCanada Pipelines Limited ("TransCanada") for resale to certain customers of Great Lakes. The changes in Natural Gas Pipeline Company ("Natural") prices are in accordance with revised gas pricing provisions that have been negotiated between Natural and TransCanada. The gas purchase prices applicable for ANR Pipeline Company, Michigan Gas Company and Peoples Natural Gas Company changed pursuant to a pricing index previously approved by the Commission.

Great Lakes is requesting an effective date of December 1, 1987 for Ninth-A Revised Sheet Nos. 57(i) and 57(ii). In aid thereof, Great Lakes requests waiver of the 30-day notice requirement of the provisions of § 154.38(d)(4)(iv)(a) of the Commission's Regulations so as to permit this out-of-period PGA filing to implement the foregoing changes in purchased gas cost as soon as possible.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211). All such motions or protests should be filed on or before January 6, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-30095 Filed 12-31-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP86-33-009 and RP86-91-007]

Midwestern Gas Transmission Co.; Notice of Filing of Changes in Rates

December 24, 1987.

Take notice that on December 14, 1987, Midwestern Gas Transmission Company (Midwestern) filed the following revised tariff sheets to its FERC Gas Tariff to be effective November 1, 1987, except as noted:

Original Volume No. 1

Substitute Twenty-eighth Revised Sheet No. 5
Substitute Twenty-ninth Revised Sheet No. 5 (effective January 1, 1988)
Substitute Twenty-sixth Revised Sheet No. 6
Substitute Twenty-seventh Revised Sheet No. 6 (effective January 1, 1988)
Original Sheet Nos. 23A, 84A, 94A, 164A, 165B, 91B, 191C, 293, 294
Substitute Original Sheet No. 27
First Revised Sheet Nos. 156A, 174, 176
Substitute First Revised Sheet Nos. 23, 88, 90, 92, 94
Second Substitute First Revised Sheet No. 86A
Second Revised Sheet Nos. 161, 162, 166, 170, 169A
Second Substitute Third Revised Sheet No. 21
Third Revised Sheet No. 164
Fourth Revised Sheet No. 163
Fifth Revised Sheet No. 168
Seventh Revised Sheet No. 84

Original Volume No. 2

Original Sheet No. 68F1
First Revised Sheet No. 62J
Second Revised Sheet Nos. 37A, 38, 62M
Third Revised Sheet Nos. 68B, 68C, 68E, 68F
Fourth Revised Sheet Nos. 39, 68D
Sixth Revised Sheet No. 64F
Seventh Revised Sheet No. 62L
Eighth Revised Sheet No. 62K
Fourteenth Revised Sheet No. 37

Midwestern states that the purpose of this filing is to place into effect as of November 1, 1987, reduced rates, new D_1-D_2 billing procedures and other tariff changes for Midwestern's Northern System and Southern System consistent with agreements which Midwestern believes it has reached with all active participants and the Commission Staff in Docket Nos. RP86-33 and RP63-91.

Midwestern states that it has filed simultaneously herewith a Southern System Stipulation and Agreement (the Southern System Stipulation) which resolves or establishes procedures to resolve all issues in Docket Nos. RP86-33 and RP86-91 relative to the Southern System, and it expects to file shortly a definitive Northern System Stipulation and Agreement to resolve or establish procedures to resolve all issues relating to the Northern System which have been raised to Docket Nos. RP86-33 and RP86-91. Midwestern avers that an essential element of the Southern System Stipulation is a commitment by Midwestern to make the Southern System Settlement Rates and other tariff changes effective as of November 1, 1987 in advance of Commission approval of that document. Midwestern states that the Northern System Stipulation will include the same commitment. Midwestern explains that implementation of the Settlement Rates and other tariff changes in advance of the Commission's expected approval of Southern System and Northern System Stipulations will provide Midwestern's customers with the benefit (retroactive to November 1, 1987) of a new revenue decrease from its current non-gas rates of $3.1 million annually of the Southern System and $2.8 million annual Northern System, based on the settlement billing determinants.

Midwestern requests that the Commission grant all waivers of its regulations necessary to permit the acceptance of this filing. In particular, pursuant to § 154.51 of the Commission's Rules, Midwestern requests waiver of the notice requirements of § 154.22 so that Midwestern's customers may obtain the benefits of immediate rate reductions as of November 1, 1987.

Midwestern states that copies of this filing have been served on all parties to the referenced proceeding, all jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211). All such motions or protests should be filed on or before January 6, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-30096 Filed 12-31-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA88-4-5-000]

Midwestern Gas Transmission Co.; Rate Filing

December 24, 1987.

Take notice that on December 21, 1987, Midwestern Gas Transmission Company (Midwestern) tendered for filing ten copies of Substitute Twenty-seventh Revised Sheet No. 6 of its FERC Gas Tariff, to be effective January 1, 1988. Midwestern states that this filing implements an out of cycle Current Purchased Gas Cost Adjustment in order to reflect in the rates for Midwestern's Northern System Rate Schedules CR-2, CRL-2, SR-2 and I-2 the newly negotiated gas supply rates from TransCanada PipeLines Ltd. (TransCanada), the sole supplier to gas to Midwestern's Northern System.

Midwestern states that the Current Purchased Gas Cost Adjustment reflected on Substitute Twenty-seventh Revised Sheet No. 6 consists of Unit Demand Rate Changes of negative $0.54 per Dkt for Rate Schedules CR-2 and CRL-2, negative $0.0444 per Dkt for Rate Schedule SR-2, and negative $0.0178 per Dkt for Rate Schedule I-2 and a Unit Gas Rate Change of $0.5694 per Dkt. Midwestern states further that the unit rate changes are based upon the demand and commodity gas rates under Midwestern's gas contract with TransCanada allocated in accordance with Midwestern's modified fixed variable rate design. Midwestern states that this adjustment is required to avoid substantial underrecoveries of our costs.

Midwestern states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211). All such motions or protests should be filed on or before January 6, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-30097 Filed 12-31-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP87-33-004]

Williams Natural Gas Co.; Proposed Changes in FERC Gas Tariff

December 24, 1987.

Take notice that on December 18, 1987, Williams Natural Gas Company (WNG) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1 and Original Volume No. 2, the following tariff sheets:

Original Volume No. 1

Original Sheet Nos. 40-50, 67A-67H, 127A and 129-138
First Revised Sheet Nos. 1, 3, 5, 12, 13, 15-39, 57, 58, 60, 62-67, 70-75, 81-89, 92-96, 116-127 and 128
Second Revised Sheet Nos. 2, 11, 14, 59, 61, 68, 69, 76-80, 90 and 91
Third Revised Sheet No. 7
Substitute Fourth Revised Sheet No. 6
Alternate Second Revised Sheet Nos. 11, 14 and 29

WNG states that these tariff sheets, along with supporting schedules as workpapers, are being filed in compliance with the Ordering Paragraphs (B), (C), (D), (E), (F), (G), (H), (I) and (K) of the Commission's Order Accepting for Filing and Suspending Tariff Sheets Subject to Refund and Conditions and Establishing Hearing Procedures issued February 20, 1987, in this proceeding 38 FERC Para. 61,171 (1987). WNG originally made a compliance filing on March 23, 1987 which was subsequently rejected by a Letter Order from the Director, Office of Pipeline and Producer Regulations, dated April 21, 1987.

This filing complies to the Director's order as well as the February 20, 1987 Commission order. The proposed effective date for these tariff sheets is January 1, 1988.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before January 6, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-30098 Filed 12-31-87; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-3310-6]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 3507(a)(2)(B) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) requires the Agency to publish in the **Federal Register** a notice of proposed information collection requests (ICRs) that have been forwarded to the Office of Management and Budget (OMB) for review. The ICR describes the nature of the solicitation and the expected impact, and where appropriate includes the actual data collection instrument. The following ICR is available for review and comment.

FOR FURTHER INFORMATION CONTACT: Carla Levesque at EPA, (202) 382-2740 (FTS 382-2740).

SUPPLEMENTARY INFORMATION:

Office of Air and Radiation

Title: Registration of Fuels and Fuel Additives. (This is a renewal of two existing OMB clearances). (EPA ICR #0309).

Abstract: This program provides an inventory of the composition of automotive fuels and fuel additives. This information is necessary in order to monitor the level of public exposure to the air pollutants from such fuels and additives. Fuel manufacturers are required to register their products and provide quarterly reports on volume produced and annual reports on fuel properties.

Additive manufacturers must register and provide annual volume reports. Quarterly and annual fuel and fuel additive reports have been changed from voluntary to a mandatory requirement.

Respondents: Fuel and fuel additive manufacturers.

Estimated Burden: 10,892 hours.

Frequency of Collection: Quarterly and annually.

Comments on the abstracts on this notice may be sent to:

Carla Levesque, U.S. Environmental Protection Agency, Office of Standard and Regulation (PM-223), Information and Regulatory Systems Division, 401 M St., SW., Washington, DC 20460

and

Nicolas Garcia, Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building (Room 3019), 726 Jackson Place, NW., Washington, DC 20503.

Date: December 18, 1987.

Daniel Fiorino,

Director, Information Regulatory Systems Division.

[FR Doc. 87-30146 Filed 12-31-87; 8:45 am]

BILLING CODE 6560-50-M

[AAA-FRL-3308-5]

EPA Master List of Debarred, Suspended or Voluntarily Excluded Persons

AGENCY: Environmental Protection Agency.

ACTION: EPA Master List of Debarred, Suspended, or Voluntarily Excluded Persons.

SUMMARY: 40 CFR 32.400 requires the Director, Grants Administation Division, to publish in the **Federal Register** each calendar quarter the names of, and other information concerning, those parties debarred, suspended, or voluntarily excluded from participation in EPA assisted programs by EPA action under Part 32. Assistance (grant and cooperative agreement) recipients and contractors under EPA assistance awards may not initiate new business with these firms or individuals on any EPA funded activity during the period of suspension, debarment, or voluntary exclusion.

This short list contains the names of those persons who have been listed as a result of EPA actions only. It is provided for general informational purposes only and is not to be relied on in determining a person's current eligibility status. A comprehensive list, updated weekly, is available in each Regional Office. Inquires concerning the status of any individual, organization, or firm should be directed to EPA's Regional or Headquarters office of grants administration that normally serves you.

DATE: This short list is current as of December 18, 1987..

FOR FURTHER INFORMATION CONTACT: Frank Dawkins, of the EPA Compliance Branch, Grants Administration Division, at (202) 475-8025.

Dated: December 21, 1987.

Corinne S. Wellish,

Acting Director, Grants Administration Division (PM-216).

EPA MASTER LIST OF DEBARRED, SUSPENDED AND VOLUNTARILY EXCLUDED PERSONS

Name & jurisdiction	File No.	Status [1]	From	To	Grounds
A. F. Beil Electric Company, Inc. (Youngstown, OH)	85-0014-00	D	06-27-85	06-26-88	§ 32.200(a).
Alle-Catt Asphalt Inc. (Allegany, NY)	86-0072-02	D	07-29-87	07-28-90	§ 32.200(a)(3).
Altman, Larry L. (Charleston, SC)	85-0063-03	S	07-29-85	OPEN	§ 32.300(b).
American Recovery Co., Inc. (Glen Burnie, MD)	86-0011-00	D	08-20-86	08-19-89	§ 32.200(f)(i).
Applied Science Distributors (Pensacola, FL)	87-0013-00	D	02-05-87	04-02-90	§ 32.200(a)(i).
Averill, Ernest Jr. (For Myers, FL)	83-0066-06	D	12-02-83	10-29-88	§ 32.200(b).
Azzil Trucking Co., Inc. (Roslyn, NY)	85-0008-02	D	09-11-86	09-10-89	§ 32.200(a)(b).
Barnum, James Charles (Utica, MI)	86-0010-01	D	12-10-85	12-09-88	§ 32.200(a).
Batzer Construction Co., Inc. (St. Cloud, MN)	85-0052-00	D	03-07-86	08-05-90	§ 32.200(a).
Batzer, Bruce (St. Cloud, MN)	85-0052-01	D	03-07-86	08-05-90	§ 32.200(a).
Batzer, Robert (St. Cloud, MN)	85-0052-02	D	03-07-86	08-05-90	§ 32.200(a).
Beckham, Charles (Detroit, MI)	84-0030-02	D	02-24-86	07-30-89	§ 32.200(a)(b).
BECO, Inc. (High Point, NC)	85-0017-01	VE	12-10-85	12-09-88	§ 32.200(a)(3).
Bell, Bobby (Sulphur, LA)	85-0071-01	D	03-06-86	03-05-89	§ 32.200(a)(b).
Bell, Edwin (Sulphur, LA)	85-0071-02	D	03-06-86	03-05-89	§ 32.200(a)(b).
Blackwelder, Ray Martin (Concord, NC)	84-0011-01	D	06-27-85	06-26-88	§ 32.200(a).
Bortugno, Frank (Bronx, NY)	86-0082-30	D	11-09-87	11-08-90	§ 32.200(a).
Bortugno, Ralph (Bronx, NY)	86-0082-29	D	11-13-87	11-12-90	§ 32.200(a).
Bowers, Darralyn (Detroit, MI)	84-0030-01	D	02-24-86	05-11-89	§ 32.200(a)(b).
Bridges, William D., Jr. (Wilmington, NC)	85-0069-01	D	04-09-86	04-08-89	§ 32.200(a).
Bryan, Charles B. (Tempe, AZ)	87-0010-03	D	07-28-87	07-27-90	§ 32.200(a)(c)(i)
Cannady, Nathaniel Ellis (Asheville, NC)	86-0047-01	D	03-18-86	07-15-89	§ 32.200(a)(i).
Careccia, Vincent (Farmingdale, NY)	86-0082-26	D	11-09-87	11-08-90	§ 32.200(a).
Carson, Charles (Grosse Point Woods, MI)	85-0066-00	D	03-18-86	04-25-89	§ 32.200(b).
Carson, E. Eugene (Statesville, NC)	85-0004-01	D	01-06-86	01-05-89	§ 32.200(a).
City Chemicals Company, Inc. (Orlando, FL)	86-0038-02	D	10-02-86	11-23-89	§ 32.200(a)(1).
City Environmental Services, Inc. (Orlando, FL)	86-0038-03	D	10-02-86	11-23-89	§ 32.200(a)(1).
City Fuel Oil Company (Orlando, FL)	86-0038-05	D	10-02-86	11-23-89	§ 32.200(a)(1).
City Industries, Inc. (Orlando, FL)	86-0038-01	D	10-02-86	11-23-89	§ 32.200(a)(1).
Commonwealth Companies Incorporated (Lincoln, NE)	86-0100-01	S	11-12-86	OPEN	§ 32.200(a)(1).
Commonwealth Electric Company, Inc. (Lincoln, NE)	86-0100-00	S	09-09-86	OPEN	§ 32.300(b).
Crolich, Peter V. (Mobile, AL)	87-0017-02	D	06-18-87	06-17-90	§ 32.200(a)(i).
Crossgrove, Richard (Pensacola, FL)	87-0013-01	D	02-05-87	04-02-90	§ 32.200(a)(i).
Cryer, John P. (Baton Rouge, LA)	85-0062-03	S	07-29-85	OPEN	§ 32.300(b).
Cummins, Robert (Enid, OK)	88-0005-00	D	12-02-87	06-03-88	§ 32.200.
Cusenza, Sam (Ypsilanti, MI)	85-0024-02	D	02-24-86	04-02-89	§ 32.200(a)(b).
Cuti, Vincent J., Jr. (Huntington, NY)	83-0040-03	D	04-30-85	04-29-88	§ 32.200(a).
Dellinger, Theodore C. (Monroe, NC)	84-0012-01	VE	03-12-85	03-11-88	§ 32.200(a).
DeLuca, Nick (Staten Island, NY)	86-0082-25	D	11-09-87	11-08-90	§ 32.200(a).
Denson, David A. (Wilmington, NC)	86-0043-01	D	01-12-87	01-11-88	§ 32.200(a).

EPA MASTER LIST OF DEBARRED, SUSPENDED AND VOLUNTARILY EXCLUDED PERSONS—Continued

Name & jurisdiction	File No.	Status [1]	From	To	Grounds
Diliberto, Joseph L. (Fairless Hills, PA)	86-107-01	D	12-12-87	07-15-88	§ 32.200(a)(1).
Domanski, Gary Henry (Utica, MI)	86-0010-02	D	12-10-85	12-09-88	§ 32.200(a).
Driscoll, John William (Dundale, MD)	86-0011-02	D	10-15-86	10-14-89	§ 32.200(f)(i).
Duisen, Darrell A. (San Diego, CA)	86-0105-01	D	10-16-87	10-15-90	§ 32.200(a)(i).
Dykes, Lamar D. (Nederland, TX)	85-0071-03	D	03-06-86	03-05-89	§ 32.200(a)(b).
Enmanco (Utica, MI)	86-0010-00	D	12-10-85	12-09-88	§ 32.200(a).
Environmental Management Corporation (Utica, MI)	86-0010-00	D	12-10-85	12-09-88	§ 32.200(a).
Environmental Technology of America, Inc. (Wilbraham, MA)	86-0071-00	D	02-05-87	02-04-90	§ 32.200(a).
Federal Chandros, Inc. (Brooklyn, NY)	87-0040-00	S	07-02-87	OPEN	§ 32.300(b).
Fields, Leroy (Pensacola, FL)	87-0013-02	D	02-05-87	04-02-90	§ 32.200(a).
Floyd D. Stuckey & Associate (Winfield, KS)	84-0028-00	D	08-26-85	08-25-88	§ 32.200(a).
Foley, Bancroft T. Washington, DC	86-0004-03	D	03-07-86	03-06-89	§ 32.200(a).
Franklin Wiring Co. (Youngstown, OH)	85-0044-00	D	09-04-85	09-03-88	§ 32.200(a)(3).
FSA Engineering Consultants (Winsfield, KS)	84-0028-00	D	08-26-85	08-25-88	§ 32.200(a).
Gametronics Corp. (Atlanta, GA)	87-0082-06	D	11-02-87	OPEN	§ 32.200.
Gates and Fox, Ltd. (Tempe, AZ)	87-0010-00	S	07-28-87	OPEN	§ 32.200(a)(c)(i).
Gelb, Michael (Brooklyn, NY)	87-0040-01	S	07-02-87	OPEN	§ 32.300(b).
Gelb, Thomas (Brooklyn, NY)	87-0040-02	S	07-02-87	OPEN	§ 32.300(b).
Geuther, Herbert G. (Philadelphia, PA)	86-0004-04	D	03-07-86	03-06-89	§ 32.200(a).
Goodloe, George M. (Jacksonville, FL)	86-0099-01	D	08-05-87	02-04-89	§ 32.200(a)(3)(i).
Grant, Alan Blane (Atlanta, GA)	87-0082-05	D	11-02-87	OPEN	§ 32.200.
Graves, George William (Wilmington, NC)	85-0069-02	D	03-05-86	03-04-89	§ 32.200(a).
Gredig Industries Inc. (Atlanta, GA)	87-0082-04	D	11-02-87	OPEN	§ 32.200.
Greer, Arthur (Maitland, FL)	86-0038-00	D	10-02-86	11-23-89	§ 32.200.
Gross, William R. (Big Springs, TX)	86-0002-01	D	10-06-86	10-05-89	§ 32.200(a).
Hansen, Leonard A. (St. Peter, MN)	85-0019-02	D	09-26-85	09-25-88	§ 32.200(a)(3).
Hi-Way Surfacing, Inc. (Marshall, MN)	85-0053-00	D	12-17-85	12-16-88	§ 32.200(a)(3).
Hochreiter, Herbert (Roslyn, NY)	85-0008-01	D	09-11-86	09-10-89	§ 32.200(a)(b).
Hodges Electric Company (Wilmington, NC)	85-0070-00	D	04-04-86	04-03-89	§ 32.200(a).
Howard P. Foley, Company (Washington, DC)	86-0004-00	D	03-07-86	03-06-89	§ 32.200(a).
Hugo Schulz, Inc. (Lakefield, MN)	85-0047-00	D	05-01-86	04-30-89	§ 32.200(a).
Ingber, Brian (S. Fallsburg, NY)	86-0096-01	D	04-24-87	02-23-90	§ 32.200(a).
J.A. LaPorte, Inc. (Arlington, VA)	86-0037-00	D	08-29-86	08-28-89	§ 32.200(a)(3).
James Electric Co., Inc. (Huntington, WV)	87-0046-00	D	12-12-87	12-11-90	§ 32.200(a)(3).
Jerlow, John A. (Lakefield, MN)	85-0047-02	D	05-01-86	04-30-89	§ 32.200(a).
Jerpbak, Daniel R. (Owatonna, MN)	86-0024-01	D	09-25-86	09-24-89	§ 32.200(i).
Jethani, Nandlal (Williston Park, NY)	86-0082-27	D	11-09-87	11-08-90	§ 32.200(a).
Johnson, C. Theodore (Indianapolis, IN)	84-0023-04	D	03-04-86	03-03-89	§ 32.200(a)(f).
Jordan, William F. (Tempe, AZ)	87-0010-02	D	07-28-87	07-27-90	§ 32.200(a)(c)(i).
Komatz Construction Co., Inc. (St. Peter, MN)	85-0019-00	D	09-26-85	09-25-88	§ 32.200(a)(3).
Komatz, Thomas P. (St. Peter, MN)	85-0019-01	D	09-26-85	09-25-88	§ 32.200(a)(3).
Kruse, Lloyd C. (Lakefield, MN)	85-0047-01	D	05-01-86	04-30-89	§ 32.200(a).
Kruse, William B. (Tempe, AZ)	87-0010-01	S	07-28-87	OPEN	§ 32.300(b).
L&J Waste Service, Inc. (Hialeah, FL)	85-0079-02	D	12-19-86	12-18-89	§ 32.200(a)(i).
Law, David P. (Greenwell Springs, LA)	85-0064-00	S	07-29-85	OPEN	§ 32.300(b).
Law, Theresa McBeth (Greenwell Springs, LA)	85-0064-01	S	07-29-85	OPEN	§ 32.300(b).
Lee, Herbert P., III. (Sumter, SC)	84-0013-01	VE	02-14-85	12-31-87	§ 32.200(a).
Lench, Frank P. (Lalayette, CA)	86-0004-01	D	03-07-86	03-06-89	§ 32.200(a).
Leyendecker Highway Contractors, Inc. (Laredo, TX)	86-0014-00	D	07-17-86	03-25-88	§ 32.200(a).
Lizza Industries, Inc. (Roslyn, NY)	85-0008-00	D	09-11-86	09-10-89	§ 32.200(a)(b).
Lofgren, Sven (Lincoln, NE)	87-0014-01	S	11-12-86	OPEN	§ 32.200(i).
McDowell Contractors, Inc. (Nashville, TN)	84-0014-00	VE	12-23-85	12-22-88	§ 32.200(a).
Meyer-Rohlin, Inc. (Buffalo, MN)	86-0081-00	S	04-01-87	OPEN	§ 32.200(a)(i).
Meyer, Thore P. (Buffalo, MN)	86-0081-01	S	04-01-87	OPEN	§ 32.200(a)(1).
Midhampton Asphalt	85-0008-03	D	09-11-86	09-10-89	§ 32.200(a)(b).
Millspaugh, Michael J. (Mobile, AL)	86-0107-02	D	06-18-87	06-17-90	§ 32.200(a).
Modern Electric Co. (Statesville, NC)	85-0004-00	D	01-06-86	01-05-89	§ 32.200(a).
Moore, Gray E. (Jr.) (Greenwood, SC)	86-0108-00	D	08-19-86	08-18-89	§ 32.200.
Moorehead, Dennis L. (Graniteville, SC)	84-0006-01	D	01-11-85	01-10-88	§ 32.200(a).
Moorse, Lawrence (Marshall, MN)	85-0053-01	D	12-17-85	12-16-88	§ 32.200(a)(3).
Morales, Rene (Bronx, NY)	86-0082-32	D	11-09-87	11-08-90	§ 32.200(a).
Neal, George D. (Hamden, CT)	86-0040-01	VE	01-09-87	01-08-88	§ 32.200(a).
Newt Solomon, Inc. (Nashville, TN)	85-0058-00	D	10-10-85	10-09-88	§ 32.200(e)(i).
O'Mara, Lawrence (Chicksville, NY)	86-0082-24	D	11-09-87	11-08-90	§ 32.200(a).
Owens, Jerry B. (Southfield, MI)	85-0065-00	D	02-24-86	03-26-89	§ 32.200(b).
Parkhill-Goodloe Co., Inc. (Jacksonville, FL)	86-0099-00	VE	04-16-87	10-15-88	§ 32.200(a).
Payne, James (Enid OK)	88-0005-01	D	12-02-87	10-14-88	§ 32.200.
Piccinonna, Julio (Hollywood, FL)	85-0079-01	D	05-11-87	05-10-90	§ 32.200(a).
Pinney, J.A. Bruce (Bala Cynwyd, PA)	84-0023-06	D	01-15-86	03-03-89	§ 32.200(a)(f).

EPA MASTER LIST OF DEBARRED, SUSPENDED AND VOLUNTARILY EXCLUDED PERSONS—Continued

Name & jurisdiction	File No.	Status [1]	From	To	Grounds
Pipeline Renovation Service, Inc. (Tacoma, WA)	86-0078-00	D	07-02-86	08-07-89	§ 32.200(c)(i).
Pirnos, Wayne (Woodbridge, NY)	86-0096-03	D	04-24-87	04-23-90	§ 32.200(a).
Polymer Chemicals, Inc. (Atlanta, GA)	87-0082-00	D	11-02-87	OPEN	§ 32.200.
Polymer Group, Ltd. (Atlanta, GA)	87-0082-03	D	11-02-87	OPEN	§ 32.200.
Polymer Industries, Inc. (Atlanta, GA)	87-0082-02	D	11-02-87	OPEN	§ 32.200.
Resource Conservation & Recovery of America, Inc. (Orlando, FL).	86-0038-04	D	10-02-86	11-23-89	§ 32.200(a)(i).
Rio Grande Construction Company (Bunkie, LA)	85-0063-00	S	07-29-85	OPEN	§ 32.300(b).
Rogers, Joseph J. (Pittsburgh, PA)	86-0004-02	D	03-07-86	03-06-89	§ 32.200(a).
Rol-Away Systems, Inc. (Hollywood, FL)	85-0079-00	D	12-19-86	12-18-89	§ 32.200(a)(i).
Rupp Construction Company, Inc. (Slayton, MN)	85-0048-00	D	07-17-86	07-16-89	§ 32.200(a).
Rupp, Douglas (Slayton, MN)	85-0048-01	D	07-17-86	07-16-89	§ 32.200(a).
Sarandos, Constantino (Gus) (Tacoma, WA)	86-0078-02	D	07-02-86	08-07-89	§ 32.200(c)(i).
Sarandos, Dolores K. (Tacoma, WA)	86-0078-01	D	07-02-86	08-07-89	§ 32.200(c)(i).
Sarandos, George (Tacoma, WA)	86-0078-03	D	07-02-86	08-07-89	§ 32.200(c)(i).
Saunders, George F. (High Point, NC)	85-0017-02	VE	12-10-85	12-09-88	§ 32.200(a)(3).
Sauseda, Roy (Bunkie, LA)	85-0063-02	D	07-29-85	10-13-89	§ 32.200(a)(i).
Schillizzi, Jack (Bronx, NY)	86-0082-32	D	11-09-87	11-08-90	§ 32.200(a).
Schorr, Paul C. (III) (Lincoln, NE)	87-0014-00	S	11-12-86	OPEN	§ 32.200(i).
Service Scaffold, Inc. (S. Fallsburg, NY)	86-0096-00	D	04-24-87	04-23-90	§ 32.200(a).
Seymour Sealing Service, Inc. (Hamden, CT)	86-0040-00	VE	01-09-87	01-08-88	§ 32.200(a).
Sheldon, Cynthia A. (Atlanta, GA)	87-0082-08	D	11-02-87	OPEN	§ 32.200.
Smith, Norman F. (Wilbraham, FL)	86-0071-01	D	02-05-87	02-04-90	§ 32.200(a).
Smith, Paul F. (Lakefield, MN)	85-0047-03	D	05-01-86	04-30-89	§ 32.200(a).
Solomon, Newt (Nashville, TN)	85-0058-01	D	10-07-85	10-06-88	§ 32.200(e)(i).
Stuckey, Floyd D. (Winfield, KS)	84-0028-01	D	08-26-85	08-26-88	§ 32.200(a).
Tow Brothers Const., Company (Fairmont, MN)	85-0054-00	D	01-22-86	01-21-89	§ 32.200(a).
Tow, James (Fairmont, MN)	85-0054-01	D	01-22-86	01-21-89	§ 32.200(a).
Toy, Daniel Lee (Utica, MI)	86-0010-03	D	12-10-85	12-09-88	§ 32.200(a).
Tubre Enterprises (Bunkie, LA)	85-0062-01	S	07-29-85	OPEN	§ 32.300(b).
Tubre Enterprises, Inc. (Bunkie, LA)	85-0062-00	S	07-29-85	OPEN	§ 32.300(b).
Tubre, Charles (Baton Rouge, LA)	85-0062-02	S	07-29-85	OPEN	§ 32.300(b).
Tubre, Thomas (Bunkie, LA)	85-0063-01	S	07-29-85	OPEN	§ 32.300(b).
Universal Engineering & Supply, Inc. (Sulphur, LA)	85-0071-00	D	03-06-86	03-05-89	§ 32.200(a)(b).
Universal Engineering (Sulphur, LA)	85-0071-05	D	03-06-86	03-05-89	§ 32.200(a)(b).
Universal Wheels, Inc. (Sulphur, LA)	85-0071-06	D	03-06-86	03-05-89	§ 32.200(a)(b).
Valentini, Joseph (Ypsilanti, MI)	85-0024-01	D	02-24-86	04-02-89	§ 32.200(a)(b).
Watson Electrical Construction Co. (Wilson, NC)	86-0109-00	D	12-19-86	12-18-89	§ 32.200(i).
Williams, G. Marvin (Asheville, NC)	86-0047-02	D	03-18-86	07-15-89	§ 32.200(i).
Wolverine Disposal, Inc. (Ypsilanti, MI)	85-0024-00	D	02-24-86	04-02-89	§ 32.200(a)(b).
X Chem, Inc. (Atlanta, GA)	87-0082-01	D	11-02-87	OPEN	§ 32.200.
Young, Frank Paul (Sr.) (Glen Burnie, MD)	86-0011-01	D	08-20-86	08-19-89	§ 32.200(f)(i).

[1] D = Debarred; S = Suspended; VE = Voluntarily Excluded.

[FR Doc. 87-30147 Filed 12-31-87; 8:45 am]
BILLING CODE 6560-50-M

[FRL 3307-6]

Availability of Report to Congress on Crude Oil, Natural Gas, and Geothermal Energy, Exploration, Development and Production Waste; Announcement of Public Hearings

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability of report to Congress and announcement of public hearings.

SUMMARY: The Environmental Protection Agency (EPA) recently submitted to the Congress its report entitled "Report to Congress: Management of Wastes from the Exploration, Development, and Production of Crude Oil, Natural Gas, and Geothermal Energy." The report was compiled in response to Section 8002(m) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6982(m). In the report, EPA provides information on: (1) The scope of the exemption for oil and gas and geothermal energy waste, (2) sources and volumes of waste, (3) current waste management practices, (4) cases of documented damage, (5) assessment of risk to human health and the environment, (6) potential costs of alternative waste management practices, (7) economic impact on industry of these alternative waste management practices, and (8) existing State and Federal regulatory programs. The report includes conclusions and recommendations. The purpose of this notice is to solicit public comment on the accuracy of the information and findings and the appropriateness of the recommendations. Public comment is especially invited on: 1. the scope of the exemption and 2. whether produced water injected for enhanced oil recovery is a waste.

DATES: Public comments on this report must be received on or before March 15, 1988. EPA will conduct five public hearings on this report: February 23, 1988 in Washington, DC; February 25, 1988 in Denver, Colorado; March 1, 1988 in San Francisco, California; March 3, 1988 in Anchorage, Alaska; and March 8, 1988 in Dallas, Texas. Registration for all hearings will start at 8:00 a.m. The hearings will begin at 9:00 a.m. and will end at approximately 5:00 p.m.

ADDRESSES: The locations of the public hearings are:

Omni Shoreham Hotel, 2500 Calvert St., NW., Washington, DC 20005
Holiday Inn Denver Downtown, 1450 Glenarm Place, Denver, CO 80202
Ramada Renaissance, 55 Cyril Magnin St., San Francisco, CA 94102
Hotel Captain Cook, 5th and K Streets, Anchorage, AK 99501
Grand Kempinski, 15201 Dallas Parkway, Dallas, TX 75248.

FOR FURTHER INFORMATION CONTACT: RCRA/Superfund Hotline (800) 424–9346 or (202) 382–3000. For technical information, contact Mr. Bob Hall at (202) 475–8814.

SUPPLEMENTARY INFORMATION: A block of hotel rooms for public hearing attendants will be set aside up to two weeks prior to the hearings. Attendants should make their hotel reservations in advance.

Requests for additional details on the hearings or to preregister to present testimony at a hearing should be addressed in writing to Mr. William Richardson, Public Participation Officer, Office of Solid Waste, WH–565, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Preregistration is not required to speak at a hearing, but it is strongly recommended.

The public must send an original and two copies of their comments on the report to: Docket Clerk, Office of Solid Waste (WH–565), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. Place the docket number F–88–OGRA–FFFFF on your comments.

Copies of the full report to Congress will be available for purchase through the National Technical Information Service (NTIS). Information on how to purchase this report is available from: U.S. Department of Commerce, 5285 Port Royal Road, Springfield, VA. 22161; (703) 487–4650. Please use the full title of the document when ordering. Limited copies of the executive summary can be obtained free by contacting Mr. Dan Chadwick at (202) 382–4825. The report to Congress is available for viewing at all EPA Regional libraries and in the EPA RCRA Docket. Also, major supporting documents cited in the oil, gas and geothermal report to Congress are available for public review beginning February 1, 1988 in the RCRA Docket (sub-basement), Office of Solid Waste, WH–565–E, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, from 9:00 to 4:00, Monday through Friday, except Federal holidays, by appointment only. Appointments can be made by calling (202) 475–9327. The public may copy a maximum of 50 pages of material from any one regulatory docket at no cost. Additional copies cost 20 cents per page.

J.W. McGraw,

Acting Assistant Administrator, Office of Solid Waste and Emergency Response.

[FR Doc. 87–29733 Filed 12–31–87; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

Applications for Consolidated Hearing; A.J.T. Broadcasting Services Limited Partnership et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant city and State	File No.	MM Docket No.
A. A.J.T. Broadcasting Services Limited Partnership, LaGrande, OR.	BPH–850712QK	87–557
B. Blue Mountain Broadcasting Co., LaGrande, OR.	BPH–850712QL	
C. Carol M. Hodgins, LaGrande, OR.	BPH–850712RJ	
D. Non-Profit Concepts, Inc., LaGrande, OR.	BPH–850712QH (DISMISSED).	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading Applicants

1. Comparative, A, B, C
2. Ultimate, A, B, C

3. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037. (Telephone (202) 857–3800).

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 87–30080 Filed 12–31–87; 8:45 am]

BILLING CODE 6712–01–M

Applications for Consolidated Hearing; Cedar Rapids Broadcasting et al.

1. The Commission has before it the following mutually exclusive applications for a new TV station:

Applicant, city, and State	File No.	MM Docket No.
A. *Denny Workman d/b/a Cedar Rapids Broadcasting, Cedar Rapids, IA*	*BPCT–870331PW*	87–495
B. *Family Broadcasting Company, Inc., Cedar Rapids, IA.*	*BPCT–870331QH*	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirely under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading, Applicant(s)

Air Hazard, A, B
Comparative, A, B
Ultimate, A, B

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contract, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037 (Telephone No. (202) 857–3800).

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 87–30081 Filed 12–31–87; 8:45 am]

BILLING CODE 6712–01–M

Applications for Consolidated Hearing; Corydon, Broadcasters, Ltd. et al.

1. The Commission has before it the following mutually exclusive applications for the new FM station:

Applicant city, and State	File No.	MM Docket No.
A. Corydon Broadcasters Limited, Corydon, IN.	BPH-860221MN	87-559
B. Harrison County, Broadcasting Co., Corydon, IN.	BPH-860221MT	
C. Pruitt and Owen, Corydon, IN.	BPH-860218MQ (DISMISSED).	
D. Lopez Radio, Inc., Corydon, IN.	BPH-860221MO (DISMISSED).	
E. Corydon Broadcasting Limited Partnership, Corydon, IN.	BPH-860221MP (DISMISSED).	
F. Jesse L. Carter and Sheridan Broadcasting Corp. d/b/a Corydon Communications Limited Partnership, Corydon, IN.	BPH-860221MQ (DISMISSED).	
G. Argie L. Dale d/b/a Minority Communications, Corydon, IN.	BPH-860221MV (DISMISSED).	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used to signify whether the issue in question applies to the particular applicant.

Issue Heading Applicants

1. Comparative, A, B
2. Ultimate, A, B

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037 (Telephone No. (202) 857-3800).

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 87-30082 Filed 12-31-87; 8:45 am]

BILLING CODE 6712-01-M

Applications for Consolidated Hearing; Eastern Broadcasting, et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, City and State	File No.	MM Docket No.
A. Eastern Broadcasting, Harlan, KY.	BPH-860317MR	87-558
B. Charles W. Berger, Harlan, KY.	BPH-860317MS	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading Applicants

1. Comparative, A, B
2. Ultimate, A, B

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Service, Inc., 2100 M Street, NW., Washington, DC 20037. (Telephone (202) 857-3800).

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 87-30083 Filed 12-31-87; 8:45 am]

BILLING CODE 6712-01-M

Applications for Consolidated Hearing; John Jones Jr., et al.

1. The Commission has before it the following mutually exclusive applications for a new TV station:

Applicant City and State	File No.	MM Docket No.
A. John Jones, Jr., Minden, LA.	BPCT-861105KM	87-496
B. Carl M. Fisher, Minden, LA.	BPCT-870121KL	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading, Applicant(s)

Air Hazard, A
Minimum Separations, A
Comparative, A, B
Ultimate, A, B

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037 (Telephone No. (202) 857-3800).

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 87-30089 Filed 12-31-87; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 217-011161.

Title: Space Charter Agreement Between Sea-Land Service, Inc. and United Arab Shipping Company (SAG).

Parties:

Sea-Land Service, Inc.

United Arab Shipping Company (SAG)

Synopsis: The proposed space charter arrangement would permit Sea-Land guaranteed use of 125 TEU spaces per vessel sailing in each direction aboard the vessels of United Arab Shipping Company for Sea-Land's cargoes moving between the United States and the Middle East, India and Pakistan directly or via Mediterranean ports.

Agreement No.: 203–011162.
Title: PANAM Discussion Agreement.
Parties:

Lykes Lines
Ecuadorian Line, Inc.
Transnave, Inc.
United States Atlantic & Gulf/Central America Freight Association

Synopsis: To permit the parties to meet, exchange information and concertedly establish rates, rules and charges. Adherence to any such rates, rules and charges is voluntary. A common tariff is not authorized.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

Dated: December 29, 1987.

[FR Doc. 87–30105 Filed 12–31–87; 8:45 am]

BILLING CODE 6730–01–M

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224–200078.
Title: Maryland Port Administration Lease Agreement.
Parties:

Maryland Port Administration (MPA)
Clark Maryland Terminals, Inc. (CMTI)

Synopsis: The proposed agreement (1) authorizes the lease of certain premises at the Dundalk Marine Terminal in Baltimore by CMTI for a period of three years and (2) provides that MPA will furnish terminal facilities and services to CMTI pursuant to its Terminal Services Tariff No. 10.

Agreement No.: 224–003695–003.
Title: Port Everglades Authority Terminal Agreement.
Parties:

Port Everglades Authority
Sea-Land Service, Inc.

Synopsis: The proposed agreement amends the wharfage charges, tonnage levels, crane rental rates, rental discount percentages and discount hours for the period January 1, 1988, through December 31, 1988. The agreement provides that for the period from January 1, 1989, through the remaining term of the basic agreement, revised wharfage rates, tonnage levels, crane rental rates, rental discount percentages and discount hours shall be for successive terms as agreed upon between the parties and which shall be filed with the Commission as agreement amendments.

By Order of the Federal Maritime Commission.

Date: December 29, 1987.

Joseph C. Polking,

Secretary.

[FR Doc. 87–30106 Filed 12–31–87; 8:45 am]

BILLING CODE 6730–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Secretary's Commission on Nursing; Establishment

Pursuant to Pub. L. 92–463, the Federal Advisory Committee Act, the Office of the Secretary, Department of Health and Human Services announces the establishment by the Secretary of the Secretary's Commission on Nursing.

The Commission shall advise the Secretary and develop recommendations as to how private and public sectors can work together to address problems and implement immediate and long-range solutions regarding the supply of active registered nurses. The Commission shall also give consideration to the recruitment and rentention of nurses in the Public Health Service, the Veterans Administration, and the Department of Defense. The Commission shall also evaluate and synthesize findings relevant to the development of a multi-year action plan implementing a private/public commitment for resolution of the issues.

The Commission shall terminate on December 31, 1988.

Dated: December 29, 1987.

Richard M. Loughery,

Director, Secretary's Advisory Committee Office.

[FR Doc. 87–30167 Filed 12–31–87; 8:45 am]

BILLING CODE 4150–04–M

Health Care Financing Administration

Medicaid Program; Hearing; Reconsideration of Disapproval of Tennessee State Plan Amendment

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of hearing.

SUMMARY: This notice announces an administrative hearing on February 3, 1988 in Atlanta, Georgia to reconsider our decision to disapprove Tennessee State Plan Amendment 87–2.

Closing Date: Requests to participate in the hearing as a party must be received by the Docket Clerk by January 19, 1988.

FOR FURTHER INFORMATION CONTACT: Docket Clerk, Hearing Staff, Bureau of Eligibility, Reimbursement and Coverage, 300 East High Rise, 6325 Security Boulevard, Baltimore, Maryland 21207, Telephone: (301) 594–8261.

SUPPLEMENTARY INFORMATION: This notice announces an administrative hearing to reconsider our decision to disapprove Tennessee State Plan Amendment 87–2.

Section 1116 of the Social Security Act and 45 CFR Parts 201 and 213 establish Department procedures that provide an administrative hearing for reconsideration of a disapproval of a State plan or plan amendment. HCFA is required to publish a copy of the notice to a State Medicaid Agency that informs the agency of the time and place of the hearing and the issues to be considered. (If we subsequently notify the agency of additional issues that will be considered at the hearing, we will also publish that notice.)

Any individual or group that wants to participate in the hearing as a party must petition the Hearing Officer within 15 days after publication of this notice, in accordance with the requirements contained in 45 CFR 213.15(b)(2). Any interested person or organization that wants to participate as amicus curiae must petition the Hearing Officer before the hearing begins in accordance with the requirements contained in 45 CFR 213.15(c)(1).

If the hearing is later rescheduled, the Hearing Officer will notify all participants.

The issue in this matter is whether Tennessee's request to incorporate a reference to 42 CFR 433.45 and indicate that the State interprets local participation in medical assistance and administration to mean donated funds under the administrative control of the Single State Agency, is consistent with section 1902 of the Social Security Act. The amendment would allow the State to receive donated funds almost exclusively from public hospitals. These donated funds would provide a part of the State's share of funds which would be matched by Federal Medicaid funds. HCFA believes that plan amendments which implement provisions of section 1902 of the Social Security Act may be included in a State's plan. Tennessee State Plan Amendment 87–2 does not implement a State plan provision of section 1902 of the Act. Therefore, HCFA has determined Tennessee 87–2 is not appropriate for inclusion in the States plan because it is not a section 1902 plan amendment.

The notice to Tennessee announcing an administrative hearing to reconsider our disapproval of its State plan amendment reads as follows:

Mr. James E. Word,
Commissioner, Tennessee Department of Health and Environment, 344 Cordell Hull Building, Nashville, Tennessee 37219.

Dear Mr. Word: This is to advise you that your request for reconsideration of the decision to disapprove Tennessee State Plan Amendment 87–2 was received on December 2, 1987.

Tennessee State plan amendment 87–2 incorporates a reference to 42 CFR 433.45 and indicates that the State interprets local participation in medical assistance and administration to mean donated funds under the administrative control of the Single State Agency. The amendment would allow the State to receive donated funds almost exclusively from public hospitals. These donated funds would provide a part of the State's share of funds which would be matched by Federal Medicaid funds. The issue to be considered at the hearing is whether Tennessee's proposed plan implements a provision of Section 1902 of the Social Security Act and, if not, whether it is nevertheless appropriate to include it in the State plan.

I am scheduling a hearing on your request to be held on February 3, 1988 at 10:00 a.m. in Room 1904 B, 101 Marietta Tower, Atlanta, Georgia. If this date is not acceptable, we would be glad to set another date that is mutually agreeable to the parties.

I am designating Mr. Lawrence Ageloff as the presiding official. If these arrangements present any problems, please contact the Docket Clerk. In order to facilitate any communication which may be necessary please notify the Docket Clerk of the names of the individuals who will represent the State at the hearing. The Docket Clerk can be reached at (301) 594–8261.

Sincerely,

William L. Roper, M.D.,
Administrator.

(Section 1116 of the Social Security Act (42 U.S.C. 1316))

(Catalog of Federal Domestic Assistance Program No. 13.714, Medicaid Assistance Program)

Dated: December 22, 1987.

William L. Roper,
Administrator, Health Care Financing Administration.

[FR Doc. 87–30173 Filed 12–31–87; 8:45 am]
BILLING CODE 4120-03-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO-010-08-4121-02]

Craig, Colorado Advisory Council Meeting

Time and Date: February 17, 1988, at 10:00 a.m.

Place: Little Snake Resource Area, 1280 Industrial Avenue, Craig, Colorado.

Matters To Be Considered:

1. Status of Little Snake Resource Management Plan Protests
2. High Desert 300 Race Monitoring Results
3. 1988 Motorcross EA
4. Potential Land Exchange in Piceance Basin
5. Status of Oilshale Tract Ca, Cb, and Wolf Ridge Corporation's Nahcolite EIS
6. Election of Officers

Contact Person For More Information: Mary Pressley, Craig District Office, 455 Emerson Street, Craig, Colorado 81625–1129, Phone: (303) 824–8261.

Dated: December 10, 1987.

Mary Pressley,
Acting Associate District Manager.

[FR Doc. 87–30179 Filed 12–31–87; 8:45 am]
BILLING CODE 4310-JB-M

[Alaska AA-48664-AA]

Proposed Reinstatement of a Terminated Oil and Gas Lease

In accordance with Title IV of the Federal Oil and Gas Royalty Management Act (Pub. L. 97–451), a petition for reinstatement of oil and gas lease AA–48664–AA has been received covering the following lands:

Copper River Meridian, Alaska

T. 13 N., R. 10 W.,
Sec. 24, SW¼NW¼, N½NW¼.
(120 acres)

The proposed reinstatement of the lease would be under the same terms and conditions of the original lease, except the rental will be increased to $5 per acre per year, and royalty increased to 16⅔ percent. The $500 administrative fee and the cost of publishing this Notice have been paid. The required rentals and royalties accruing from July 1, 1987, the date of termination, have been paid.

Having met all the requirements for reinstatement of lease AA–48664–AA as set out in section 31 (d) and (e) of the Mineral Leasing Act of 1920 (30 U.S.C. 188), the Bureau of Land Management is proposing to reinstate the lease, effective July 1, 1987, subject to the terms and conditions cited above.

Kay F. Kletka,

Dated: December 18, 1987.

Chief, Branch of Mineral Adjudication.

[FR Doc. 87–30103 Filed 12–31–87; 8:45 am]
BILLING CODE 4310-JA-M

[Alaska AA-48634-BL]

Proposed Reinstatement of a Terminated Oil and Gas Lease

In accordance with Title IV of the Federal Oil and Gas Royalty Management Act (Pub. L. 97–451), a petition for reinstatement of oil and gas lease AA–48634–BL has been received covering the following lands:

Copper River Meridian, Alaska

T. 12 N., R. 4 W.,
Sec. 8, SW¼SE¼
(40 acres)

The proposed reinstatement of the lease would be under the same terms and conditions of the original lease, except the rental will be increased to $5 per acre per year, and royalty increased to 16⅔ percent. The $500 administrative fee and the cost of publishing this Notice have been paid. The required rentals and royalties accruing from July 1, 1987, the date of termination, have been paid.

Having met all the requirements for reinstatement of lease AA–48634–BL as set out in section 31 (d) and (e) of the Mineral Leasing Act of 1920 (30 U.S.C. 188), the Bureau of Land Management is proposing to reinstate the lease, effective July 1, 1987, subject to the terms and conditions cited above.

Dated: December 21, 1987.

Kay F. Kletka,
Chief, Branch of Mineral Adjudication.

[FR Doc. 87–30104 Filed 12–31–87; 8:45 am]
BILLING CODE 4310-JA-M

[NM-010-4212-20-RGRP]

Realty Action; Disposal of Public Lands of Cedar Crest Disposal Block; New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action: Cedar Crest Disposal Block.

SUMMARY: The following public lands have been examined and found suitable for disposal under the Color-of-Title Acts of 1928 (45 Stat. 1069), 1932 (47 Stat. 53 U.S.C. 178), the Recreation and Public Purposes Act (45 U.S.C. 869 et. seq.), and under the sales authority contained in section 203 of the Federal Land Policy and Management Act of 1976 (FLPMA), 43 U.S.C. 1713 (1976). The lands will not be offered for sale until 60 days after the date of this notice.

New Mexico Principal Meridian

T. 11N., R. 6E.
Secs. 11 & 14 (portions thereof);
Sec. 19, Lots 29, 30, 31, 32, 33;
Sec. 20, Lot 13.
Sec. 34, Lots 1, 2, 3.
T. 11N., R. 5E.
Secs. 34 & 35 (portions thereof).
T. 10N., R. 5E.
Sec. 11, Lot 17.

Comprising approximately 75.00 acres.

The specific parcels of public land will be disposed of using the following "Tract Disposal Criteria" in descending order of priority.

1. *Color-of-Title.* Color-of-Title disposals will be made to any applicant within the disposal area who qualifies under the Color-of-Tile Acts.

2. *Non-Competitive (Direct) Sale.* Public lands within the disposal block will be sold without competition at Fair Market Value to those individuals who have occupied the parcels before June 11, 1979 (the date land use plans were approved for the area) but who do not qualify under one of the Color-of-Title Acts.

3. *Public Purposes.* If unoccupied lands within the disposal area are identified for recreational or other public purposes by state or local governments or other qualified public purposes applicants, they will be considered for disposal under the Recreation and Public Purposes Act.

4. *Competitive Sale.* All remaining tracts will be sold competitively if they are not needed for public purposes and if they were not occupied as of June 11, 1979 (the date land use plans were approved for the area).

A location map and information pertaining to this disposal block is available for review at the Rio Puerco Resource Area Office, 435 Montano Rd., NE., Albuquerque, New Mexico 87107, or telephone 505–761–4504. For a period of 45 days from the date of this Notice, interested parties may submit written comments to the Rio Puerco Resource Area Manager. Any adverse comments will be evaluated by the New Mexico State Director, Bureau of Land Management, who may vacate or modify this realty action and issue a final determination.

In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

For further information contact Rick Hanks, Area Manager at (505) 761–4504 or FTS 474–4504.

Michael F. Reitz,

Associate District Manager.

[FR Doc. 87–30141 Filed 12–31–87; 8:45 am]

BILLING CODE 4310-FB-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 31182]

Exemption; Aberdeen and Rockfish Railroad Co., Continuance In Control Exemption; Dunn-Erwin Railway Corp.

Aberdeen and Rockfish Railroad Company (Aberdeen and Rockfish), a rail common carrier, has filed a notice of exemption under 49 CFR 1180.4(g) to continue in control of Dunn-Erwin Railroad Corporation (D–E) after D–E becomes a nonconnecting railroad under the provisions of 49 CFR 1180.2(d). D–E, a wholly owned non-carrier subsidiary of Abderdeen and Rockfish, had filed concurrently a notice of exemption in Finance Docket No. 31181, *Dunn-Erwin Railway Corporation—Acquisition and Operation Exemption—CSX Transportation, Inc.*, where it seeks (1) to acquire through purchase for CSX Transportation, Inc. (CSX) and operate 5.488 miles of rail line between Erwin and Dunn, in Harnett County, NC; and (2) to acquire through lease and operate 3,093 feet of rail line and spur track in Dunn, including two spur tracks.

Aberdeen and Rockfish has priorities in North Carolina and controls Pee Dee River Railway Coporation, which has properties in South Carolina. Aberdeen and Rockfish indicates that: (1) Its line will not connect with D–E's line; (2) the acquisition is not part of a series of anticipated transactions that would connect the railroads with each other or any railroad in their coporate family; and (3) the acquisition does not involve a Class I carrier. Therefore, this transaction involves the continuance in control of a nonconnecting carrier, and is exempt from the prior review requirements of 49 U.S.C. 11343. *See* 49 CFR 1180.2(d)(2).

As a condition to the use of this exemption, any employees affected by the transaction will be protected by the conditions set forth in *New York Dock Ry.—Control—Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979).

Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: December 11, 1987.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 30011 Filed 12–31–87; 8:45 am]

BILLING CODE 7035-01-U

[Finance Docket No. 31181]

Exemption; Dunn-Erwin Railway Corp., Acquisition and Operation Exemption, CSX Transportation, Inc.

Dunn-Erwin Railway Corporation (D–E), a wholly owned noncarrier subsidiary of Aberdeen and Rockfish Railroad Company (Aberdeen and Rockfish), has filed a notice of exemption: (1) To acquire through purchase from CSX Transportation, Inc. (CSX) and operate 5.488 miles of rail line in Harnett County, NC, from (a) Milepost SDS 53.00, near Erwin, NC, to Milepost SDS 56.66, at Dunn, NC, and (b) Milepost SDE 0.00, near Erwin, and Milepost SDE 2.02, at Erwin;[1] and (2) to acquire through lease from CSC and operate 3,093 feet of track in Dunn, consisting of 1,700 feet of track between Mileposts SDS 56.66 and 57.01, and two adjoining spur tracks, D&S Tracks No. 3 and 11, 600 and 793 feet long, respectively. Consummation is scheduled on December 14, 1987.

Aberdeen & Rockfish, a rail common carrier, concurrently has filed a notice of exemption in Finance Docket No. 31182, *Aberdeen and Rockfish Railroad Company—Continuance in Control Exemption—Dunn-Erwin Railway*

[1] According to milepost measurements, D–E would be acquiring through purchase 5.68 miles of track. However, CSX indicates that the mileposts are not accurately placed, resulting in D–E's actual acquisition of 5.488 miles.

Corporation, to continue in control of D–E upon its becoming a rail carrier. Any comments must be filed with the Commission and served on William C. Evans, Suite 1000, 1660 L St., NW., Washington, DC 20036.

The notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ad initio.* Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: December 11, 1987.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 87–30013 Filed 12–31–87; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 31178]

Exemption; Florida West Coast Railroad, Inc., Acquisition and Operation Exemption; Certain Rail Lines of CSX Transportation, Inc.

Florida West Coast Railroad, Inc. (FWC) has filed a notice of exemption to acquire and operate approximately 44.7 miles of railroad of CSX Transportation, Inc. (CSX) located in Florida. The lines consist of: (1) 21.3 miles of railroad extending from milepost ASG 720.6 at Newberry, FL, to milepost ASG 741.9 at Wilcox, FL, and (2) 23.4 miles of railroad extending from milepost AND 793.0 at Shamrock, FL, to milepost AND 816.4 at Ipco, FL. The agreement for the transfer of the lines between FWC and CSX was to be consummated on December 11, 1987. Any comments must be filed with the Commission and served on Mary Todd Foldes, Esq., Gerst, Heffner, & Foldes, Suite 1107, 1700 K St., NW., Washington, DC 20006, and David W. Hemphill, CSX Transportaiton, Inc., 500 Water Street, Jacksonville, FL 32202.

The notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ad initio.* Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: December 10, 1987.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 87–30012 Filed 12–31–87; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Advisory Committee on Standards and Regulations for Diesel-Powered Equipment in Underground Coal Mines; Meeting

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice of advisory committee meeting and response to comments.

SUMMARY: This notice provides the date, time and place for the first meeting of the Mine Safety and Health Administration Advisory Committee on Standards and Regulations for Diesel-Powered Equipment in Underground Coal Mines, and it responds to comments made by interested parties.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Ballston Tower #3, 4015 Wilson Boulevard, Room 631, Arlington, Virginia 22203; phone (703) 235–1910.

SUPPLEMENTARY INFORMATION: Pursuant to the authority contained in sections 101 and 102(c) of the Federal Mine Safety and Health Act of 1977 (Act), a public meeting of the Advisory Committee on Standards and Regulations for Diesel-Powered Equipment in Underground Coal Mines will be held between the hours of 9:30 a.m. and 5:00 p.m. on January 19, 20 and 21, 1988 at 1000 N. Glebe Road, Arlington, Virginia.

This nine member advisory committee was formed to advise and make recommendations to the Secretary of Labor on safety and health standards and regulations related to the use of diesels in underground coal mines.

Comments were received from several interested parties regarding the formation of the Advisory Committee. One commenter supported the committee's objectives, and another commenter felt that the committee's scope would be unduly limited by not addressing the appropriateness of use of diesel equipment in underground coal mines.

The Advisory Committee's Charter reflects a broad mandate to assess the safety and health aspects of diesel equipment. The committee will be unhampered in discussing a wide variety of issues which relate to necessary protections for assuring a safe and healthful mining environment.

The purpose of the meeting is to organize an agenda for the committee to follow during its six-month tenure. It is expected that the committee will focus on work practices using diesel equipment, approval criteria, and other factors relating to safety and health aspects of diesel equipment use in underground coal mines. The public is invited to attend.

Official records of the meeting will be available for public inspection at the above address.

Signed at Arlington, Virginia, this 29th day of December, 1987.

David C. O'Neal,

Deputy Assistant Secretary for Mine Safety and Health.

[FR Doc. 87–30170 Filed 12–31–87; 8:45 am]

BILLING CODE 4510–43–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–336]

Northeast Nuclear Energy Co., et al.; Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Prior Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–65 issued to Northeast Nuclear Energy Company, et al. (the licensee), for operation of the Millstone Nuclear Power Station, Unit No. 2, located in New London County, Connecticut.

On June 2, 1987, the NRC staff issued Amendment No. 117 to Facility Operating License No. DPR–65 which permitted storage of consolidated spent fuel at Millstone Unit No. 2 in partial response to the licensee's application dated May 21, 1986. Amendment No. 117 expanded the number of storage locations from 1112 to 1346 by permitting the storage of consolidated spent fuel boxes in locations required to be blocked with cell blocking devices when surrounding locations are used for the storage of unconsolidated assemblies. Amendment No. 117 allowed the storage of 1965 assemblies in 1346 locations, taking into account the mix of locations needed for intact fuel assemblies and locations used for storage of consolidated fuel boxes (each equivalent to 2 intact fuel assemblies).

However, Amendment No. 117 contained a footnote that limited the storage of consolidated spent fuel storage boxes to five (5).

The NRC staff is now considering a change to the Technical Specifications to remove the footnote to TS 3.2.20, "Spent Fuel Pool." The change would remove the limitation restricting the

storage of consolidated spent fuel boxes to five (5).

In response to the NRC staff's questions on the licensee's amendment request dated May 21, 1986, the licensee provided answers in a letter of April 30, 1987. Attached to the letter was a document entitled "Fuel Consolidation Demonstration Program." The licensee, with the NRC staff's knowledge, undertook the consolidation of ten (10) assemblies pursuant to the provisions of 10 CFR 50.59. The staff will review the consolidation process in connection with authorizing the use of the expanded capacity of the spent fuel pool that results from the use of the consolidation process.

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By February 3, 1988, the licensee may file a request for a hearing with respect to the issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendments under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

The Commission hereby provides notice that this is a proceeding on an application for a license amendment falling within the scope of section 134 of the Nuclear Waste Policy Act of 1982 (NWPA), 42 U.S.C. 10154. Under section 134 of the NWPA, the Commission, at the request of any party to the proceeding, is authorized to use hybrid hearing procedures with respect to "any matter which the Commission determines to be in controversy among the parties." The hybrid procedures in section 134 provide for oral argument on matters in controversy, preceded by discovery under the Commission's rules, and the designation, following argument, of only those factual issues that involve a genuine and substantial dispute, together with any remaining questions of law, to be resolved in an adjudicatory hearing. Actual adjudicatory hearings are to be held on only those issues found to meet the criteria of section 134 and set for hearing after oral argument.

The Commission's rules implementing section 134 of the NWPA are found in 10 CFR Part 2 Subpart K, "Hybrid Hearing Procedures for Expansion of Spent Fuel Storage Capacity at Civilian Nuclear Power Reactors" (published at 50 FR 41662 (October 15, 1985). Under those rules, any party to the proceeding may invoke the hybrid hearing procedures by filing with the presiding officer a written request for oral argument under 10 CFR 2.1109. To be timely, the request must be filed within ten (10) days of an order granting a request for hearing or petition to intervene. (As outlined above, the Commission's rules in 10 CFR Part 2, Subpart G continue to govern the filing of request for a hearing or petitions to intervene, as well as the admission of contentions.) The presiding officer shall grant a timely request for oral argument. The presiding officer may grant an untimely request for oral argument only upon a showing of good cause by the requesting party for the failure of file on time and after providing the other parties an opportunity to respond to the untimely request. If the presiding officer grants a requests for oral argument, any hearing held on the application shall be conducted in accordance with the hybrid hearing procedures. In essence, those procedures limit the time available for discovery and require that an oral argument be held to determine whether any contentions must be resolved in an adjudicatory hearing. If no party to the proceeding timely requests oral argument, and if all untimely requests for oral argument are denied, then the usual procedures in 10 CFR Part 2, Subpart G apply.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room 1717 H Street, NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 324–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to John F. Stolz: (Petitioner's name and telephone number), (date petition was mailed), (plant name), and (publication date and page number of this **Federal Register** notice). A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555 and to Gerald Garfield, Esquire, Day, Berry and Howard, Counselors at Law, City Place, Hartford, Connecticut 06103–3499, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the

Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated May 21, 1986, as supplemented by the letter of April 30, 1987. These documents are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the Waterford Public Library, 49 Rope Ferry Road, Waterford, Connecticut 06103.

Dated at Bethesda, Maryland, this 28th day of December, 1987.

For the Nuclear Regulatory Commission.

David H. Jaffee,

Project Manager, Project Directorate I–4, Division of Reactor Projects I/II.

[FR Doc. 87–30169 Filed 12–31–87; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 30–13435; ASLBP No. 88–559–01–SC]

Finlay Testing Laboratories, Inc.; Prehearing Conference

Atomic Safety and Licensing Board Panel
Before Administrative Judge: Dr. Robert M. Lazo
December 23, 1987.

The Presiding Officer in the above-identified proceeding will conduct a prehearing conference at the following location at 1:00 p.m. (local time) on Wednesday, January 13, 1988: Courtroom 10, First Circuit Court Building, 777 Punchbowl Street, Honolulu, Hawaii 96813.

Counsel for the Licensee, Finlay Testing Laboratories, Inc., and the NRC Staff are directed to appear.

The purpose of the prehearing conference is to:

(1) Hear oral argument on the "NRC Staff Motion For Stay of Proceeding" filed on December 17, 1987;

(2) Permit identification of the key issues in the proceeding;

(3) Take any steps necessary for further identification of the issues and the need for discovery; and

(4) Establish a schedule for further actions in the proceeding.

The prehearing conference is open to the public.

Dated at Bethesda, Maryland this 23rd day of December, 1987.

It is so ordered.

Presiding Officer,

Robert M. Lazo,

Administrative Judge.

[FR Doc. 87–30180 Filed 12–31–87; 8:45 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–16194; 812–7989]

G.T. Global Growth Series, et al.; Application

December 24, 1987.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for an order under the Investment Company Act of 1940 (the "1940 Act").

Applicants: G.T. Global Growth Series ("Growth Series") and Advisors Cash Reserves, Inc. ("Cash Reserves") (collectively, the "Funds"), and Advisors Asset Management Group ("Advisors"), G.T. Capital Management, Inc. ("G.T. Capital") and G.T. Global Financial Services, Inc. ("Distributor").

Relevant 1940 Act Section: Approval of exchange offer requested under section 11(a).

Summary of Application: Applicants seek an order permitting the exchange of shares of any series of one Fund for that of any other series of such Fund or for shares of any series of the other Fund in the manner described herein, and the imposition of a $7.50 service fee to shareholders effecting more than four exchanges between Funds or between series of a Fund during a 12-month period. Applicants further request that the order be applicable equally to the Funds and to any other investment companies established in the future for which Advisors or G.T. Capital (or any of their subsidiaries or affiliates) acts as investment manager or for which the Distributor (or any of its subsidiaries or affiliates) acts as principal underwriter.

Filing Date: The application was filed on October 28, 1987.

Hearing or Notification of Hearing: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m., on January 19, 1988. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicants with the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit or, for lawyers, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicants, 601 Montgomery Street, San Francisco, California 94111.

FOR FURTHER INFORMATION CONTACT: Paul J. Heaney, Financial Analysis (202) 272–2847 or Brion R. Thompson, Special Counsel (202) 272–3016 (Division of Investment Management).

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier who can be contacted at (800) 231–3282 (in Maryland (301) 258–4300).

Applicant's Representations

1. Each Fund is registered under the 1940 Act as an open-end, management investment company. Cash Reserves currently has a single series of shares outstanding and the Growth Series currently has six series of shares outstanding. Cash Reserves has entered into an investment management agreement with Advisors, a Maryland limited partnership, one of the two general partners of which is G.T. Capital, for investment advice and management services. Applicants represent that this arrangement is expected to be modified in the near future and that G.T. Capital will directly assume the role of investment adviser to Cash Reserves. The Growth Series has entered into an investment management contract directly with G.T. Capital. The Growth Series has also entered into a distribution agreement with the Distributor for the Distributor to act as principal underwriter for such Fund.

2. Cash Reserves maintains a continuous public offering of its shares at net asset value, without a sales charge. The Distributor, as principal underwriter for the Growth Series, maintains a continuous public offering of the Growth Series shares at a public offering price that includes a maximum sales charge of 4.5%. Applicants propose to permit shares of any series of the Growth Series to be exchanged for shares of any the other series or for Cash Reserves shares on the basis of the relative net asset value per share at the time of the exchange, without any additional sales charge being levied. Applicants also propose to permit Cash Reserves shares to be redeemed, and the proceeds applied to purchase shares of any series of the Growth Series on the basis of the relative net asset value per share at the time of the exchange plus the applicable sales charge. The applicable sales charge will be determined by reference to the amount of proceeds that are reinvested. Also, a shareholder who acquired Cash Reserves shares by exchange from the Growth Series will be given credit for

any sales charge previously paid. In any such re-exchange, those shares that can be exchanged at net asset value without a sales charge will be exchanged first.

3. In addition to the sales charge, shareholders effecting more than four exchanges between Funds or between series of a Fund during a 12-month period may be required to bear the transfer agent's administrative charge for processing each additional transaction, currently $7.50.

4. Applicants further request that the order be aplicable equally to the Funds and to any other investment companies established in the future for which Advisors or G.T. Capital (or any of their subsidiaries or affiliates) acts as principal underwriter.

Applicant's Legal Conclusions

1. Applicants submit that the proposed service charge is fair and will not harm shareholders or discriminate among shareholders of any Fund. The issuance of the order is necessary and appropriate in the public interest and for the protection of investors. Further, the Applicants undertake that the Funds will comply in all respects with the disclosure and other requirements of proposed Rule 11a–3 (or any similar rule) when and if such Rule is adopted.

2. The purpose of the proposed exchange offers is to permit a shareholder of any Fund who changes his investment objective to transfer his investment to a different Fund or a different series of the same Fund. Applicants submit that shareholders of Cash Reserve cannot fairly be permitted to reinvest redemption proceeds in shares of the Growth Series at the net value of the series of the Growth Series to be acquired. Such shareholders would have paid no sales load on their investment, in contrast to original purchasers of shares of Growth Series. Applicants also contend that an exchange of Cash Reserve shares for Growth Series shares at net asset value would disrupt the distribution of Growth Series shares since an investor thereby would be able to acquire shares of the Growth Series with no sales charge merely by purchasing shares of Cash Reserve, immediately redeeming them and reinvesting the proceeds in shares of the Growth Series.

3. Applicants contend that the nominal service charge (currently $7.50 per exchange) that may be imposed on an investor who has made four or more exchanges in a 12-month period by the entity from which the investor is exchanging shares is fair and will not harm shareholders or discriminate among shareholders of any Fund. Applicants contend that the service charge is merely an administrative fee to compensate the transfer agents of the Funds for the costs of exchange between the Funds.

Applicants' Condition

If the requested order is granted, Applicants agree to comply with the provisions of proposed Rule 11a–3 under the 1940 Act if and when it is adopted by the SEC.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87–30114 Filed 12–31–87; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

FAA Receipt of Noise Compatibility Program Request for Review; Palm Springs Municipal Airport, Palm Springs, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces formal receipt of the proposed Palm Springs Municipal Airport noise compatibility program under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96–193) and 14 CFR Part 150. The proposed noise compatibility program was submitted by the city of Palm Springs California to the Director, Western-Pacific Region, on August 18, 1987, for review and approval under Part 150 in conjunction with noise exposure maps which were found acceptable by the FAA on August 24, 1984. The noise compatibility program will be approved or disapproved by the Administrator on or before May 29, 1988.

EFFECTIVE DATE: The effective date of the start of the formal 180-day review period for the Palm Springs Municipal Airport noise compatibility program is November 30, 1987. The public comment period ends January 29, 1988.

FOR FURTHER INFORMATION CONTACT: Thomas J. Conley, Environmental Protection Specialist, AWP–611.3, Federal Aviation Administration, Western-Pacific Region, Box 92007, Worldway Postal Center, Los Angeles, California 90009, (213) 297–1621.

SUPPLEMENTARY INFORMATION: The FAA is reviewing a proposed noise compatibility program for the airport which will be approved or disapproved on or before May 29, 1988. This notice announces the availability of this program for public review and comment.

An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of 14 CFR Part 150 (hereinafter referred to as "Part 150"), promulgated pursuant to Title I of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as "the Act"), may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes for the reduction of existing noncompatible uses and of the prevention of the introduction of additional noncompatible uses.

City of Palm Springs submitted to the FAA on August 18, 1987, a proposed noise compatibility program conducted at Palm Springs Municipal Airport. It was requested that the FAA review this material and that the noise mitigation measures to be implemented jointly by the airport and surrounding communities, be approved as noise compatibility program under section 104(b) of the Act.

Upon the August 24, 1987, acceptance of the Palm Springs Municipal Airport noise exposure maps and completion of the preliminary review of the submitted material for a noise compatibility program, the FAA has formally received the noise compatibility program for Palm Springs Municipal Airport. Preliminary review indicates that the submittal conforms to the requirements of Part 150 for noise compatibility programs, but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before May 29, 1988.

The FAA's detailed evaluation will be conducted under the provisions of 14 CFR Part 150, § 150.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety, create an undue burden on interstate or foreign commerce, or be reasonably consistent with obtaining the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses.

Interested persons are invited to comment on the proposed program with specfic reference to these factors. All comments, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the proposed noise compatibility program

are available for examination at the following locations:

Federal Aviation Administration, 800 Independence Avenue, SW., Room 617, Washington, DC 20591

Western-Pacific Region, Federal Aviation Administration, Airports Division, AWP-600, Box 92007, Worldway Postal Center, Los Angeles, California 90009

Mr. Allen F. Smoot, Director of Transportation & Energy, City of Palm Springs, P.O. Box 1786, Palm Springs, California 92263-1786.

Questions may be directed to the individual names above under the heading, **"FOR FURTHER INFORMATION CONTACT"**.

Issued in Hawthorne, California, on November 30, 1987.

Herman C. Bliss,

Manager, Airports Division.

[FR Doc. 87-30128 Filed 12-31-87; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA), Special Committee 159—(8th Meeting) Minimum Aviation System Performance Standards for Global Positioning System; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 159 on Minimum Aviation System Performance Standards for Global Positioning System to be held on January 21-22, 1988, in the RTCA Conference Room, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, DC, commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's remarks; (2) Approval of minutes of the seventh meeting of August 31-September 1-2, 1987; (3) Review of DOD/FAA activity on GPS selective availability; (4) Discussion of DOD/ASD letter concerning 24 satellites; (5) Discussion of Megapulse, Inc. letter regarding GPS; (6) Report of GPS Integrity Channel working group; (7) Review of EUROCAE WG-28 activities; (8) Review of draft documents submitted for inclusion in the committee report; (9) Assignment of tasks; (10) Other business; (11) Date and place of next meeting.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, DC 20005; (202) 682-0266. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on December 21, 1987.

Herbert P. Goldstein,

Designated Officer.

[FR Doc. 87-30133 Filed 12-31-87; 8:45 am]

BILLING CODE 4910-13-M

[Summary Notice No. PE-87-34]

Petitions for Exemption; Summary and Disposition

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before: January 25, 1988.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION: The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-3132.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, DC, on December 28, 1987.

Denise D. Hall,

Acting Manager, Program Management Staff.

PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought
25431	Helicopter Association International	14 CFR 21.18, 43.13, 91.27(a), and 91.29	To allow petitioner's members engaged in Part 135 operation of single-engine helicopters to conduct those operations with inoperative equipment and/or systems.
25446	Columbia Helicopters, Inc.	14 CFR 91.169(e)	To allow petitioner to operate Boeing helicopter model 234LR, S/N MJ-001, N234CH, under the operating rules of Parts 91 and 133 to fight forest fires, and for heavy lift operations, instead of the operating rules of Part 135.
11012	Goodyear Tire	14 CFR 91.121(b)	To permit petitioner to conduct airship operations: (1) over congested areas at altitudes as low as 700 feet above obstacles; (2) in instrument meteorological conditions in controlled airspace under VFR (without having to obtain an ATC IFR clearance); (3) in instrument meteorological conditions below 1,200 feet above the surface in uncontrolled airspace under VFR (without having to comply with the IFR cruising altitude requirements of Part 91.121(b)); and (4) under special VFR when the visibility is less than one mile.
25449	Channel Flying, Inc.	14 CFR 43.3(g)	To allow pilots of petitioner to remove seats in petitioner's single-engine aircraft so that medivacs can be conducted from remote locations as well as providing delivery of mail, groceries, and freight.
25482	Acme School of Aeronautics	14 CFR 141.65	To allow petitioner to exercise examining authority for flight instructor and airline transport pilot written tests.
18114	Flying Tiger Line, Inc.	14 CFR 121.547 and 121.583	To allow petitioner to carry a reporter, photographer, or journalist aboard its B-747 and DC-8 aircraft without complying with the passenger-carrying provisions of 14 CFR Part 121. *Grant, December 7, 1987*

PETITIONS FOR EXEMPTION—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought
25450	Air Specialties Corporation d/b/a Air America	14 CFR 121.371(a) and 121.378	To allow petitioner to utilize Hong Kong Aircraft Engineering Company (HAECO) for the performance of certain FAA-required alterations on three Rolls-Royce RB211-22B engines that are utilized on the Lockheed L-1011 aircraft and listed in the petitioner's operation specifications. *Grant, December 8, 1987*
25492 and 25495	Air Specialties Corporation d/b/a Air America, and Tempelhof Airways USA, Inc.,	14 CFR 25.853(c) and 121.312(b)	To allow petitioners to operate certain aircraft without complying with the seat cushion flammability standards of § 25.853 beyond the implementation date of November 26, 1987. *Grant, December 10, 1987*

[FR Doc. 87-30131 Filed 12-31-87; 8:45 am]
BILLING CODE 4910-13-M

[Summary Notice No. PE-87-33]

Petitions for Exemption; Summary and Disposition

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before January 25, 1988.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-3132.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, DC, on December 28, 1987.

Denise D. Hall,

Acting Manager, Program Management Staff.

PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought
20549	Boeing Commercial Airplane Co.	14 CFR portions of Parts 21 and 25	To amend Exemption No. 3035 to remove the reference to specific air carriers, thereby permitting operation of certain Boeing 747 airplanes by any foreign air carrier with the flap position indicator in the lower left-hand corner of the pilot's center instrument panel and with the servo altimeter configured with dial markings at 50-foot increments rather than at 20 feet.
25489	University of Alaska	14 CFR 141.91(a), 141.93(a), and 141.93(b)	To allow petitioner to conduct conduct instruction at satellite bases located more than 25 nautical miles from its main operations base. Additionally, to allow petitioner to issue a condensed version of the course outline on the first day of class rather than at the time of enrollment and allow a class roster to be submitted during the third week of the semester rather than submit individual certificates within 5 days of enrollment.
20853	United Airlines, Inc.	14 CFR 121.99 and 121.351(a)	To allow petitioner to operate its airplanes in extended overwater operations over any airway or other approved route over the Western Atlantic, Caribbean Sea, and the Gulf of Mexico with one High Frequency (HF) Communication Radio System and one Long Range Navigation System (LRNS). This exemption would extend Exemption No. 3122B, as amended. *Grant, December 15, 1987*
24836	United Airlines, Inc.	14 CFR 121.371(a) and 121.378	To extend Exemption No. 4615B, which allows petitioner to contract with Hong Kong Aircraft Engineering Company for the maintenance, preventive maintenance, alterations, and required inspections on the United Airlines-operated Lockheed L1011-385-3 aircraft, engines, and components of such aircraft. *Grant, December 16, 1987*
25344	General Electric	14 CFR 145.73	To allow petitioner to perform maintenance, preventive maintenance, and alterations on components of CF6-6, CF6-50, CF6-80, and CFM56 engines utilized in U.S.-registered aircraft without regard to the geographic scope of their operations. *Grant, December 17, 1987*
25362	Mesaba Aviation, Inc., dba Northwest Airlink	14 CFR 25.853(c) and 121.312(b)	To allow petitioner to operate certain aircraft without complying with the seat cushion flammability standards of § 25.853 beyond the implementation date of November 26, 1987. *Grant, December 14, 1987.*

[FR Doc. 87-30132 Filed 12-31-87; 8:45 am]
BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submited to OMB for Review

Date: December 28, 1987.

The Department of Treasury has made revisions and resubmitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding these information collections should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Room 2224, Main Treasury Building, 15th and Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545–0034
Form Number: 942 and 942PR
Type of Review: Resubmission
Title: Employer's Quarterly Tax Return for Household Employees

Description: Household employers must prepare and file Form 942 or Form 942PR (Puerto Rico only) to report and pay social security tax and (942 only) income tax voluntarily withheld. The information is used to verify that the correct tax has been paid.

Respondents: Individuals or households
Estimated Burden: 699,789 hours
Clearance Officer: Garrick Shear (202) 535–4297, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.
OMB Reviewer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Dale A. Morgan,

Departmental Reports, Management Officer.

[FR Doc. 87–30116 Filed 12–31–87; 8:45 am]

BILLING CODE 4810-25-M

Sunshine Act Meetings

Federal Register
Vol. 53, No. 1
Monday, January 4, 1988

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FARM CREDIT ADMINISTRATION

Regular Meeting

SUMMARY: Notice is hereby given pursuant to the Government in the Sunshine Act (5 U.S.C. 552(b)(3)), that the regular meeting of the Farm Credit Administration Board (Board) scheduled for January 5, 1988, has been cancelled. The next regular meeting of the Board is scheduled for January 12, 1988. An agenda for this meeting will be forthcoming.

FOR FURTHER INFORMATION CONTACT: David A. Hill, Secretary to the Farm Credit Administration Board, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, (703-883-4003).

ADDRESS: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090.

Dated: December 29, 1987.

David A. Hill,

Secretary, Farm Credit Administration Board.

[FR Doc. 87-30195 Filed 12-30-87; 1:24 pm]

BILLING CODE 6705-01-M

FARM CREDIT ADMINISTRATION

Special Meeting

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), of the forthcoming special meeting of the Farm Credit Administration Board (Board).

DATE AND TIME: The meeting is scheduled to be held at the offices of the Farm Credit Administration in McLean, Virginia, on January 8, 1988, from 10:00 a.m. until such time as the Board may conclude its business.

FOR FURTHER INFORMATION CONTACT: David A. Hill, Secretary to the Farm Credit Administration Board, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, (703-883-4003).

ADDRESS: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090.

SUPPLEMENTARY INFORMATION: This meeting of the Board will be closed to the public. The matters to be considered at the meeting are:

*1. Examination and Enforcement.

Dated: December 29, 1987.

David A. Hill,

Secretary, Farm Credit Administration Board.

[FR Doc. 87-30196 Filed 12-30-87; 1:24 pm]

BILLING CODE 6705-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Tuesday, January 5, 1988, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Rescission of conditions imposed in granting Federal deposit insurance and consent to exercise trust powers:

The Massachusettes Company, Inc., Boston, Massachusetts.

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 47,157-L (Amendment)
The Hamilton Bank and Trust Company, Atlanta, Georgia

Reports of actions approved by the standing committees of the Corporation and by officers of the Corporation pursuant to authority delegated by the Board of Directors.

Discussion Agenda:

Memorandum re: Independent Audits of Banks.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, NW., Washington, DC.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 898-3813.

* Session closed to the public—exempt pursuant to 5 U.S.C. 552b(c)(4), (8) and (9).

Dated: December 29, 1987.

Federal Deposit Insurance Corporation

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 87-30183 Filed 12-30-87; 12:40 pm]

BILLING CODE 6714-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Tuesday, January 5, 1988, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session by vote of the Board of Directors, pursuant to sections 552b (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Reports of the Director, Office of Corporate Audits and Internal Investigations:

Audit Report re:
Independent National Bank, Covina, California (5757) (Memo dated November 25, 1987)
Audit Report re:

The First National Bank of Marlboro, Marlborough, Massachusetts (5795) (Memo dated November 25, 1987)
Audit Report re:
Citizens National Bank & Trust Co., Oklahoma City, Oklahoma, Oklahoma City, Oklahoma (5737) (Memo dated December 4, 1987)
Audit Report re:
Panhandle Bank & Trust Company, Borger, Texas (2622) (Memo dated December 1, 1987)
Audit Report re:
Texana National Bank of College Station, College Station, Texas (2617) (Memo dated November 18, 1987)
Audit Report re:
Bossier City Consolidated Office, Cost Center—105 (Memo dated November 10, 1987)
Audit Report re:
Houston Consolidated Office, Cost Center—405 (Memo dated December 2, 1987)
Audit Report re:
Knoxville Consolidated Office, Cost Center—503 (Memo dated November 25, 1987)
Audit Report re:
Midland Consolidated Office, Cost Center—402 (Memo dated November 25, 1987)
Audit Report re:
San Francisco Regional Office, Cost Center—600 (Memo dated November 10, 1987)
Audit Report re:
Tulsa Consolidated Office, Cost Center—406 (Memo dated December 2, 1987)
Audit Report re:
Audit of Loan Management and Liquidation—DOL Denver Consolidated Office (Memo dated December 3, 1987)
Audit Report re:
Payroll/Personnel Processing (Memo dated November 12, 1987)

Report regarding the Corporation's assistance agreement with an insured bank.

Discussion Agenda:

Applications for Federal deposit insurance:

The Glen Burnie Mutual Savings Bank, an operating non-FDIC-insured savings bank located at 1 Crain Highway, SE., Glen Burnie, Maryland.

Columbian Savings Bank, an operating non-FDIC-insured savings bank located at 305 St. John Street, Havre de Grace, Maryland.

Applications for consent to merge and establish one branch:

Enterprise Bank—Houston, Houston, Texas, an insured State nonmember bank, for consent to merge, under its charter and title, with Enterprise Bank-West, National Association, Houston, Texas, and for consent to establish the existing office of Enterprise Bank-West, National Association as a branch of the resultant bank.

Security Bank, Houston, Texas, an insured State nonmember bank, for consent to merge, under its charter and title, with Security Bank, National Association—Bay Area, Webster, Texas, and for consent to establish the existing office of Security Bank, National Association—Bay Area as a branch of the resultant bank.

Recommendations regarding the Corporation's assistance agreement with an insured bank.

Request for financial assistance pursuant to section 13(c) of the Federal Deposit Insurance Act.

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2) and (c)(6)).

Reports of the Director, Office of Corporate Audits and Internal Investigations:

Trend Analysis Report re:
Analysis of Regional/Consolidated Office Audit Results (Memo dated November 25, 1987)
Audit Report re:
Kansas City Consolidated Office, Cost Center—301 (Memo dated November 27, 1987)
Audit Report re:
LAMIS Audit Report (Memo dated November 20, 1987)

Matters relating to the possible closing of certain insured banks:

Names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, NW., Washington, DC.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 898-3813.

Dated: December 29, 1987.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 87-30184 Filed 12-30-87; 12:40 pm]

BILLING CODE 6714-01-M

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Wednesday, January 6, 1988, 10:00 a.m.

PLACE: 999 E Street, NW., Washington, DC.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. 437g.
Audits conducted pursuant to 2 U.S.C. 437g, 438(b), and Title 26, U.S.C.
Matters concerning participation in civil actions or proceedings or arbitration.
Internal personnel rules and procedures or matters affecting a particular employee.

* * * * *

DATE AND TIME: Thursday, January 7, 1988, 10:00 a.m.

PLACE: 999 E Street, NW., Washington, DC (Ninth Floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of Dates for Future Meetings.
Correction and Approval of Minutes.
Eligibility of Lyndon H. LaRouche, Jr. to Receive Presidential Primary Matching Funds.
Routine Administrative Matters.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Information Officer, Telephone: 202-376-3155.

Marjorie W. Emmons,

Secretary of the Commission.

[FR Doc. 87-30182 Filed 12-30-87; 11:43 am]

BILLING CODE 6715-01-M

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

Commission Meeting

DATE AND TIME: January 14-15, 1988.

PLACE:

San Antonio Public Library, 203 South St. Mary's Street, San Antonio, Texas 78205 (January 14, 1988)
Lyndon Baines Johnson Library and Museum, 2313 Red River Street, Austin, Texas 78705 (January 15, 1988)

STATUS:

January 14, 1988, 9:00 a.m.-10:00 a.m.—Closed Sec. 1703.202 (2) and (6) of the Code of Federal Regulations, 45 CFR, Part 1703
January 14, 1988, 10:00 a.m.-4:15 p.m.—Open
January 15, 1988, 1:15 p.m.-4:30 p.m.—Open

MATTERS TO BE DISCUSSED:

Chairman's Report
Approval of October 28-29, 1977 Minutes
Executive Director's Report
—FY 88 Quarterly Program Report
—Administrative Report
Guest Speaker, William Gooch, Director, Texas State Library
—COSLA Report
—Texas State Library Activities
National Library Card Campaign Report, Update and Follow Up
NCLIS Budget and Finance Committee Report
NCLIS International Committee Report
Guest Speaker, Tom Galvin, Executive Director, American Library Association
—ALA Update
Library Standards: A White Paper: Panel
—"School Library Guidelines", Karen Whitney, President, American Association of School Librarians and

Library Director, Aqua High School, Avondale, Arizona
—"Implications of Library Standards for Libraries", Blane Dessy, Director, Alabama Public Library Services
NCLIS Public Affairs Committee Report
White House Conference I Film
White House Conference II Report
NCLIS Bicentennial Committee Report
NCLIS/NCES Statistics Project
Report, Guatemala Conference on Textbooks and Translations Standards in Latin America, November 22–24, 1987
NCLIS Recognition Awards Committee Report
NCLIS Program Review Committee Report

Special provisions will be made for handicapped individuals. Call Jane McDuffie (202) 254–3100 no later than one week in advance of the meeting.

FOR FURTHER INFORMATION CONTACT: Vivian J. Arterbery, NCLIS Executive Director, 1111 18th Street, NW., Suite 310, Washington, DC 20036, (202) 254–3100.

Dated: December 28, 1987.

Jane D. McDuffie,

Staff Assistant.

[FR Doc. 87–30192 Filed 12–30–87; 1:22 pm]

BILLING CODE 7527–01–M

POSTAL SERVICE BOARD OF GOVERNORS

Amendment to Notice of Meeting

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 52 FR 48621, December 23, 1987.

PREVIOUSLY ANNOUNCED DATE OF MEETING: January 5, 1988.

CHANGE: Add the following:

8. Briefing on Budget Legislation.

CONTACT PERSON FOR MORE INFORMATION: David F. Harris, (202) 268–4800.

David F. Harris,

Secretary.

[FR Doc. 87–30197 Filed 12–30–87; 3:30 pm]

BILLING CODE 7710–12–M

SECURITIES AND EXCHANGE COMMISSION

Agency Meetings

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of January 4, 1988:

A closed meeting will be held on Tuesday, January 5, 1988, at 2:30 p.m. An open meeting will be held on Wednesday, January 6, 1988, at 10:00 a.m., in Room 1C30.

The Commissioners, Counsel to the Commissioners, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8) (9)(i) and (10), permit consideration of the scheduled matters at a closed meeting.

Commissioner Fleischman, as duty officer, voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Tuesday, January 5, 1988, at 2:30. p.m., will be:

Formal orders of investigation.
Institution of administrative proceedings of an enforcement nature.
Institution of injunctive actions.
Institution of administrative proceeding.
Litigation matter.
Opinion.

The subject matter of the open meeting scheduled for Wednesday, January 6, 1988, at 10:00 a.m., will be:

The Commission is hosting a roundtable on broker-dealer sales practices. The agenda will include topics such as suitability rules and their relevance and purpose in today's global markets, fiduciary duties, the scope and nature of training of sales personnel, effective use of the Central Registration Depository ("CRD") system, arbitration and supervision. The participants will include representatives from the securities industry and various securities markets including the New York, American, and Chicago Board Options Exchanges, the National Association of Securities Dealers, representatives of the securities bar, investment firms, the North American Securities Administrators Association and SEC personnel. For further information, please contact Jacqueline P. Higgs at (202) 272–2149 or Andrew E. Feldman at (202) 272–2091.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Bernard Black at (202) 272–2468.

Jonathan G. Katz,

Secretary.

December 30, 1987.

[FR Doc. 87–30199 Filed 12–30–87; 3:48 pm]

BILLING CODE 8010–01–M

Corrections

Federal Register
Vol. 53, No. 1
Monday, January 4, 1988

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents and volumes of the Code of Federal Regulations. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 176

[Docket No. 83F-0064]

Indirect Food Additives; Paper and Paperboard Components

Correction

In rule document 87-28292 beginning on page 46744 in the issue of Thursday, December 10, 1987, make the following correction:

§ 176.170 [Corrected]

On page 46747, in the first column, in the table for § 176.170(a)(5), in the seventh line, "C_4 to $_6$" should read "C_4 to C_6".

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR-943-08-4520-12: GP8-026]

Filing of Plats of Survey; Oregon/ Washington

Correction

In notice document 87-27232 appearing on page 45387 in the issue of Friday, November 27, 1987, make the following correction:

In the second column, under T. 17 S., R. 31 E., in the paragraph, the first date should read "July 31, 1987".

BILLING CODE 1505-01-D

DEPARTMENT OF LABOR

Employment and Training Administration

Job Training Partnership Act; Proposed Performance Standards for Program Year (PY) 1988

Correction

In notice document 87-28915 beginning on page 47771 in the issue of Wednesday, December 16, 1987, make the following corrections:

1. On page 47772, in the third column, in the second paragraph of item 4, the last line should read "long-term employability of youth by assessing a program's effectiveness in helping youth obtain competencies in basic education and job specific skills and other employability enhancements."

2. On page 47773, in the third column, under **Definitions for Performance Standards**, disregard item 3 and insert the following text:

3. *Average Wage at Placement*--Average hourly wage for all adults who entered employment at the time of termination.

4. *Welfare Entered Employment Rate*--Number of adult welfare recipients who entered employment at termination as a percentage of the total number of adult welfare recipients who terminated.

BILLING CODE 1505-01-D

Federal Register

Monday
January 4, 1988

Part II

Department of Defense

General Services Administration

National Aeronautics and Space Administration

48 CFR Parts 3, 7, and 10

Federal Acquisition Regulation (FAR); Independent Price Determination Certificate Outside the United States and Acquisition Streamlining; Proposed Rules

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 3

Federal Acquisition Regulation (FAR); Independent Price Determination Certificate Outside the United States

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulatory Council are considering a revision to Federal Acquisition Regulation (FAR) 3.103–2 to require the use of a certificate of independent price determination in certain overseas procurements. Prior to this proposed revision, the certificate was specifically excluded from use in those procurements.

Comments: Comments should be submitted to the FAR Secretariat at the address shown below on or before March 4, 1988, to be considered in the formulation of a final rule.

ADDRESS: Interested parties should submit written comments to: General Services Administration, FAR Secretariat (VRS), 18th & F Streets NW., Room 4041, Washington, DC 20405.

Please cite FAR Case 87–46 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Ms. Margaret A. Willis, FAR Secretariat, Telephone (202) 523–4755.

SUPPLEMENTARY INFORMATION:

A. Regulatory Flexibility Act

The proposed rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, et seq. because it has no cost or administrative impact on U.S. contractors or offerors. It affects only contractors and offerors outside the United States, its possessions, and Puerto Rico. An initial regulatory flexibility analysis has therefore not been performed. Comments are invited from small businesses and other interested parties. Comments from small entities concerning the affected FAR subpart will also be considered in accordance with section 610 of the Act. Such comments must be submitted separately and cite FAR Case 87–610.

B. Paperwork Reduction Act

The Paperwork Reduction Act (Pub. L. 96–511) does not apply because the proposed revision does not affect U.S. contractors or offerors and does not impose any additional recordkeeping or information collection requirements or collection of information from offerors, contractors, or members of the public which require the approval of OMB under 44 U.S.C. 3501, *et seq.* The proposed revision merely makes the Certificate of Independent Price Determination found at FAR 52.203–2 applicable to overseas contractors and offerors.

List of Subjects in 48 CFR Part 3

Government procurement.

Dated: December 18, 1987.

Harry S. Rosinski,

Acting Director, Office of Federal Acquisition and Regulatory Policy.

Therefore, it is proposed that 48 CFR Part 3 be amended as set forth below:

PART 3—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

1. The authority citation for Part 3 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. Chapter 137; and 42 U.S.C. 2473(c).

2. Section 3.103–2 is amended by revising paragraph (b)(3) to read as follows:

3.103–2 Evaluating the certification.

* * * * *

(b) * * *

(3) Whenever an offer is rejected under subparagraphs (b)(1) or (b)(2) of this subsection, or the certification is suspected of being false, the contracting officer shall report the situation to the Attorney General in accordance with 3.303 for domestic requirements or in accordance with overseas contracting activity instructions for offers from foreign suppliers for overseas requirements.

* * * * *

[FR Doc. 87–30074 Filed 12–31–87; 8:45 am]

BILLING CODE 6820–61–M

48 CFR Parts 7 and 10

Federal Acquisition Regulation (FAR); Acquisition streamlining

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulatory Council are considering changes to FAR Parts 7 and 10 to institutionalize the implementation of acquisition streamlining.

COMMENTS: Comments should be submitted to the FAR Secretariat at the address shown below on or before March 4, 1988 to be considered in the formulation of a final rule.

ADDRESS: Interested parties should submit written comments to: General Services Administration, FAR Secretariat (VRS), 18th & F Streets NW., Room 4041, Washington, DC 20405.

Please cite FAR Case 87–50 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Ms. Margaret A. Willis, FAR Secretariat, Telephone (202) 523–4755.

SUPPLEMENTARY INFORMATION:

A. Background

The proppsed amendments to FAR 7.101, 7.105(a)(8), 10.000, and 10.002 include Governmentwide policies and procedures regarding the use of acquisition streamlining efforts to more efficiently and effectively use resources to develop, produce, or display quality systems. Acquisition streamlining is any effort related to ensuring that only necessary and cost-effective requirements are included in solicitations and contracts. It applies not only to the design, development, and production of new systems, but also to modifications of existing systems that involve the redesign of systems or subsystems.

B. Regulatory Flexibility Act

The proposed changes to FAR Parts 7 and 10 are not expected to have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.* because the program primarily involves the engineering and design of systems and equipment which, ordinarily, is not accomplished by small businesses. Comments from small entities concerning the affected FAR sections will also be considered in accordance with section 610 of the Act. Such comments must be submitted separately and cite FAR Case 87–610.

C. Paperwork Reduction Act

The Paperwork Reduction Act (Pub. L. 96–511) does not apply because the proposed rule does not impose any additional recordkeeping or information collection requirements or collection of information from offerors, contractors, or members of the public which require

the approval of OMB under 44 U.S.C. 3501, et seq.

List of Subjects in 48 CFR Parts 7 and 10

Government procurement.

Dated: December 22, 1987.

Harry S. Rosinski,

Acting Director, Office of Federal Acquisition and Regulatory Policy.

Therefore, it is proposed that 48 CFR Parts 7 and 10 be amended as set forth below:

1. The authority citation for Parts 7 and 10 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. Chapter 137; and 42 U.S.C. 2473(c).

PART 7—ACQUISITION PLANNING

2. Section 7.101 is amended by adding alphabetically the definition "Acquisition streamlining" to read as follows:

7.101 Definitions.

* * * * *

"Acquisition streamlining," as used in this subpart means any effort that results in more efficient and effective use of resources to develop, produce, or deploy quality systems. This includes ensuring that only necessary and cost-effective requirements are included, at the most appropriate time in the acquisition cycle, in solicitations and resulting contracts for the design, development, and production of new systems, or for modifications to existing systems that involve redesign of systems or subsystems.

* * * * *

3. Section 7.105 is amended by adding paragraph (a)(8) to read as follows:

7.105 Contents of written acquisition plans.

* * * * *

(a) * * *

(8) *Acquisition streamlining.* If specifically designated by the requiring agency as a program subject to acquisition streamlining, discuss plans and procedures to (i) encourage industry participation by using draft solicitations, pre-solicitation conferences, and other means of stimulating industry involvement during design and development in recommending the most appropriate application and tailoring of contract requirements; (ii) select and tailor only the necessary and cost-effective requirements; and (iii) state the time frame for identifying which of those specifications and standards, originally provided for guidance only, shall become mandatory.

* * * * *

PART 10—SPECIFICATIONS, STANDARDS, AND OTHER PURCHASE DESCRIPTIONS

4. Section 10.000 is revised to read as follows:

10.000 Scope of part.

This part prescribes policies and procedures for using specifications, standards, and other purchase descriptions, and related considerations of acquisition streamlining (see 7.101).

5. Section 10.002 is amended by adding paragraph (c) as follows:

10.002 Policy.

* * * * *

(c) Requiring agencies, for programs which they have designated as subject to acquisition streamlining, should apply specifications standards, and related documents initially for guidance only, making final decisions on the application and tailoring of these documents as a product of the design and development process. Requiring agencies should not dictate detailed design solutions prematurely. The objective of acquisition streamlining is to reduce the time and cost, and improve the quality of systems acquisitions, by ensuring that contracts contain only those necessary specifications, standards, and related documents which have been tailed for application at the most appropriate time in the system acquisition cycle. To the extent practicable, contractors should be involved in recommending application and tailoring of such specifications, standards, and related documents in one phase for proposed application to the succeeding phase of the acquisition cycle.

[FR Doc. 87-30075 Filed 12-31-87; 8:45 am]

BILLING CODE 6820-61-M

Federal Register

Monday
January 4, 1988

Part III

Department of Education

Rehabilitation Service Projects for 1988; Proposed Funding Priorities; Notice

DEPARTMENT OF EDUCATION

Rehabilitation Service Projects for 1988; Proposed Funding Priorities

AGENCY: Department of Education.

ACTION: Combined notice of proposed funding priorities—Rehabilitation Service Projects for 1988.

SUMMARY: The Secretary of Education proposes funding priorities in fiscal year 1988 for service activities to be supported under the following programs of the Rehabilitation Services Administration (RSA):

- Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Severely Disabled Individuals; and
- Projects With Industry.

DATE: Interested persons are invited to submit comments or suggestions regarding these proposed priorities on or before February 3, 1988.

ADDRESS: All written comments and suggestions should be sent to Ed Sontag, Rehabilitation Services Administration, Department of Education, 400 Maryland Avenue, SW., Room 3042, Switzer Building, Mailstop 2312, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: The contact person listed below under each of the two programs.

SUPPLEMENTARY INFORMATION: The authorities for these service programs of RSA that are included in this notice are contained in the Rehabilitation Act of 1973, as amended, as follows:

Section 311(a)(1): Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Severely Disabled Individuals; and

Section 621: Projects With Industry. Under the Special Projects program, awards are made to State and other public and nonprofit agencies and organizations. Under the Projects with Industry program, awards are made to individual employers, State vocational rehabilitation agencies, and other profit-making and nonprofit organizations. Awards will be made for up to 36 months.

The purposes of these awards are to expand or otherwise improve rehabilitation services to individuals with the most severe handicaps and to work cooperatively with industry and organized labor to provide individuals with handicaps with training, employment, and supportive services in order to prepare them for and place them in competitive employment.

Proposed Priorities

In accordance with the Education Department General Administrative Regulations (EDGAR, 34 CFR 75.105(c)(3)), the Secretary proposes to give an absolute preference to applications that respond to the three proposed priorities under the two programs included in this notice for fiscal year 1988; that is, the Secretary proposes to select for funding only those applications proposing projects that meet one of these priorities. RSA invites public comment on the merits of the proposed priorities both individually and collectively, including suggested modifications to the proposed priorities. Interested respondents also are invited to suggest the types of expertise that would be needed for independent experts to review and evaluate applications under these proposed priorities.

The final priorities will be announced in a notice in the **Federal Register**. The final priorities will be determined by responses to this notice, available funds, and other Departmental considerations. The publication of these proposed priorities does not bind the United States Department of Education to fund projects in any or all of these service areas, unless otherwise specified in statute. Funding of particular projects depends on the availability of funds, the nature of the final priorities, and the quality of the applications received.

The following three proposed priorities represent areas in which RSA proposes to support service activities through grants in two programs: Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Severely Disabled Individuals, and Projects With Industry. Brief descriptions of these two programs follow.

Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Severely Disabled Individuals support projects that expand or otherwise improve vocational rehabilitation and other rehabilitation services for individuals with severe handicaps. This is accomplished through the support of projects that will demonstrate new procedures and desirable employment outcomes. It is expected that successful project results will be replicated, in whole or in part, to resolve or alleviate rehabilitation problems that are nationally significant or common to several States.

Projects With Industry support the provision of training, employment and supportive services within a business, industry, or other realistic work setting to prepare individuals with handicaps for competitive employment and to secure and maintain employment. The projects focus on the establishment of a partnership arrangement between the rehabilitation community and the private sector in order to expand vocational training and job opportunities for individuals with handicaps. A major objective of the program is to enlist the support of business, industry, and organized labor and utilize their management, leadership and technical expertise to expand employment opportunities for individuals with handicaps.

Proposed Priorities for Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Severely Disabled Individuals (2)

Traumatic Head Injury

Persons who suffer traumatic head injuries often have severe problems obtaining and maintaining employment. According to information released by the National Institute on Disability and Rehabilitation Research, 400,000 to 682,000 persons suffer severe traumatic head injury each year. Of these, from 30,000 to 50,000 are left with disabilities so severe as to preclude return to a normal life. Although these individuals may vary significantly in the manifestation of their disability, they frequently have severe learning impairments coupled with loss of short-term memory and limited attention span. This proposed priority is intended to solicit applications for projects that would demonstrate the best practices known today to overcome these barriers to employment, and, in so doing, would document those approaches that appear to work best with individuals with various behavioral characteristics, and disseminate this information to other rehabilitation agencies and personnel. Because some individuals who have been traumatically brain-injured also have residual motor impairments, applicants must consider ways in which they will utilize rehabilitation engineering methods and techniques if these services are needed by an individual in order to secure and maintain employment.

Chronically Mentally Ill

There is increasing awareness that in order for chronically mentally ill persons to live independently in the community, there must be adequate job opportunities and service procedures that will lead to competitive employment. The purpose of this proposed priority is to solicit

applications that will demonstrate innovative job development and placement services for chronically mentally ill persons that result in or lead to competitive, permanent employment. A primary concern is that the applicant provide or arrange for the necessary job development and placement services in the community. Projects funded under this priority must actively identify and utilize permanent, competitive placement opportunities, or transitional employment leading to permanent placement, with local public and private enterprise employers. Special emphasis must be given to the provision of project services to the chronically mentally ill who are at risk of being unserved, institutionalized, or reinstitutionalized.

Contact Person: Delores L. Watkins, Office of Developmental Programs, Rehabilitation Services Administration, Department of Education, 400 Maryland Avenue, SW., Room 3322, Switzer Building, Mailstop 2312, Washington, DC 20202. (Telephone: (202) 732–1349).

Proposed Priority for Projects With Industry

Many individuals having the most severe disabilities either have not been considered for, or have not had, competitive employment opportunities in an integrated work setting, or have had interrupted or intermittent employment as a result of a severe disability. Currently, however, entry-level employment opportunities for these individuals are increasing in many areas of the private sector in order to meet critical employer needs that are shared by similar or related industries. This proposed priority is intended to solicit applications that will develop employment opportunities for and place individuals with severe disabilities in the private sector, through the establishment of partnership arrangements between the rehabilitation community and the private sector. Projects also must enlist the support of business, industry, and organized labor and utilize their management, leadership and technical expertise in order to expand or develop new models of vocational training and job opportunities for individuals with servere disabilities.

Project resources must be directed to the placement of these individuals in a number of different major or smaller businesses, industries, or coalitions of independent industries with formal agreements to provide training and job placement, labor unions having agreements with a number of different industries, or single industries with one or multiple work sites. Since projects approved under this proposed priority will be assisting individuals with the most severe disabilities to secure employment, the following services must be provided or arranged through linkages with cooperating public or private agencies: (1) On-site job coaches or trainers; (2) job skill training; (3) necessary support service; (4) time-limited post-employment services; and (5) on-going support services required to sustain employment of these individuals. Appropriate consideration also must be given to the utilization of rehabilitation engineering techniques in developing employment opportunities for specific individuals needing this assistance.

Projects funded under this authority are approved for specific periods of time; therefore, it is crucial that each project establish linkages with public or private agencies, or other resources, which can assure that on-going services will in fact be provided both during the approved project period and after completion of Federal assistance.

Contact Person: Leo J. Eger, Office of Development Programs, Rehabilitation Services Administration, Department of Education, 400 Maryland Avenue SW., Room 3330, Switzer Building, Mailstop 2312, Washington, DC 20202. (Telephone: (202) 732–1344).

Invitation To Comment: Interested persons are invited to submit comments and recommendations regarding these proposed priorities.

All comments submitted in response to these proposed priorities will be available for public inspection, during and after the comment period, in Room 3042 Mary E. Switzer Building, 330 C Street, SW., Washington, DC, between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

(29 U.S.C. 777a(a)(1) and 795g)

(Catalog of Federal Domestic Assistance No. 84.128A and 84.128B, Rehabilitation Services Administration)

Dated: November 10, 1987.

Williamm J. Bennett,

Secretary of Education.

[FR Doc. 87–30177 Filed 12–31–87; 8:45 am]

BILLING CODE 4000–01–M

Reader Aids

Federal Register

Vol. 53, No. 1

Monday, January 4, 1988

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FEDERAL REGISTER PAGES AND DATES, JANUARY

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last List December 30, 1987

CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

New units issued during the week are announced on the back cover of the daily **Federal Register** as they become available.

A checklist of current CFR volumes comprising a complete CFR set, also appears in the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

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Title	Price	Revision Date
1, 2 (2 Reserved)	$9.00	Jan. 1, 1987
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140–155	8.50	[5] Oct. 1, 1985
156–165	14.00	Oct. 1, 1986
166–199	13.00	Oct. 1, 1986
200–499	19.00	Oct. 1, 1986
500–End	9.50	Oct. 1, 1986
47 Parts:		
0–19	17.00	Oct. 1, 1986
20–39	18.00	Oct. 1, 1986
40–69	11.00	Oct. 1, 1986
70–79	17.00	Oct. 1, 1986
80–End	20.00	Oct. 1, 1986
48 Chapters:		
1 (Parts 1–51)	21.00	Oct. 1, 1986
1 (Parts 52–99)	16.00	Oct. 1, 1986
2	27.00	Dec. 31, 1986
3–6	17.00	Oct. 1, 1986
7–14	23.00	Oct. 1, 1986
15–End	22.00	Oct. 1, 1986
49 Parts:		
1–99	10.00	Oct. 1, 1986
100–177	24.00	Oct. 1, 1986
*178–199	19.00	Oct. 1, 1987
200–399	17.00	Oct. 1, 1986
400–999	21.00	Oct. 1, 1986
1000–1199	17.00	Oct. 1, 1986
1200–End	17.00	Oct. 1, 1986
50 Parts:		
1–199	15.00	Oct. 1, 1986
200–End	25.00	Oct. 1, 1986
CFR Index and Findings Aids	27.00	Jan. 1, 1987
Complete 1988 CFR set	595.00	1988
Microfiche CFR Edition:		
Complete set (one-time mailing)	155.00	1983
Complete set (one-time mailing)	125.00	1984
Complete set (one-time mailing)	115.00	1985
Subscription (mailed as issued)	185.00	1987
Subscription (mailed as issued)	185.00	1988
Individual copies	3.75	1988

[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] No amendments to this volume were promulgated during the period Apr. 1, 1980 to March 31, 1987. The CFR volume issued as of Apr. 1, 1980, should be retained.

[3] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[4] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[5] No amendments to this volume were promulgated during the period Oct. 1, 1985 to Sept. 30, 1986. The CFR volume issued as of Oct. 1, 1985 should be retained.

TABLE OF EFFECTIVE DATES AND TIME PERIODS—JANUARY 1988

This table is used by the Office of the Federal Register to compute certain dates, such as effective dates and comment deadlines, which appear in agency documents. In computing these dates, the day after publication is counted as the first day.

When a date falls on a weekend or holiday, the next Federal business day is used. (See 1 CFR 18.17)

A new table will be published in the first issue of each month.

DATE OF FR PUBLICATION	15 DAYS AFTER PUBLICATION	30 DAYS AFTER PUBLICATION	45 DAYS AFTER PUBLICATION	60 DAYS AFTER PUBLICATION	90 DAYS AFTER PUBLICATION
January 4	January 19	February 3	February 18	March 4	April 4
January 5	January 20	February 4	February 19	March 7	April 4
January 6	January 21	February 5	February 22	March 7	April 5
January 7	January 22	February 8	February 22	March 7	April 6
January 8	January 25	February 8	February 22	March 8	April 7
January 11	January 26	February 10	February 25	March 11	April 11
January 12	January 27	February 11	February 26	March 14	April 11
January 13	January 28	February 12	February 29	March 14	April 12
January 14	January 29	February 16	February 29	March 14	April 13
January 15	February 1	February 16	February 29	March 15	April 14
January 19	February 3	February 18	March 4	March 21	April 18
January 20	February 4	February 19	March 7	March 21	April 19
January 21	February 5	February 22	March 7	March 21	April 20
January 22	February 8	February 22	March 7	March 22	April 21
January 25	February 9	February 24	March 10	March 25	April 25
January 26	February 10	February 25	March 11	March 28	April 25
January 27	February 11	February 26	March 14	March 28	April 26
January 28	February 12	February 29	March 14	March 28	April 27
January 29	February 16	February 29	March 14	March 29	April 28

CFR ISSUANCES 1988
Complete Listing of 1987 Editions and Projected January, 1988 Editions

This list sets out the CFR issuances for the 1987 editions and projects the publication plans for the **January, 1988** quarter. A projected schedule that will include the **April, 1988** quarter will appear in the first **Federal Register** issue of April.

For pricing information on available 1987-1988 volumes consult the CFR checklist which appears every Monday in the Federal Register.

Pricing information is not available on projected issuances. Individual announcements of the actual release of volumes will continue to be printed in the **Federal Register** and will provide the price and ordering information. The weekly CFR checklist or the monthly List of CFR Sections Affected will continue to provide a cumulative list of CFR volumes actually printed.

Normally, CFR volumes are revised according to the following schedule:

Titles 1-16—January 1
Titles 17-27—April 1
Titles 28-41—July 1
Titles 42-50—October 1

All volumes listed below will adhere to these scheduled revision dates unless a notation in the listing indicates a different revision date for a particular volume.

*Indicates volume is still in production.

Titles revised as of January 1, 1987:

Title
CFR Index
1-2
3 (Compilation)
4
5 Parts:
1-1199
1200-End
6 [Reserved]
7 Parts:
0-45
46-51
52
53-209
210-299
300-399
400-699
700-899
900-999
1000-1059
1060-1119
1120-1199
1200-1499
1500-1899
1900-1944
1945-End
8
9 Parts:
1-199
200-End
10 Parts:
0-199
200-399
400-499
500-End
11
12 Parts:
1-199
200-299
300-499
500-End
13
14 Parts:
1-59
60-139
140-199
200-1199
1200-End
15 Parts:
0-299
300-399
400-End
16 Parts:
0-149
150-999
1000-End

Titles revised as of April 1, 1987:

Title
17 Parts:
1-199
200-239
240-End
18 Parts:
1-149
150-279
280-399
400-End
19 Parts:
1-199
200-End
20 Parts:
1-399
400-499
500-End
21 Parts:
1-99
100-169
170-199
200-299
300-499
500-599
600-799
800-1299
1300-End
22 Parts:
1-299
300-End
23
24 Parts:
0-199
200-499
500-699
700-1699
1700-End
25
26 Parts:
1 (§§ 1.0-1-1.60)
1 (§§ 1.61-1.169)
1 (§§ 1.170-1.300)
1 (§§ 1.301-1.400)
1 (§§ 1.401-1.500)
1 (§§ 1.501-1.640)
1 (§§ 1.641-1.850)
1 (§§ 1.851-1.1000)
1 (§§ 1.1001-1.1400)
1 (§ 1.1401-End)
2-29
30-39
40-49
50-299
300-499
500-599 (Cover only)
600-End
27 Parts:
1-199
200-End

Titles revised as of July 1, 1987:

Title
28
400-End
29 Parts:
0-99
100-499
500-899
900-1899
1900-1910
1911-1925
1926
1927-End
30 Parts:
0-199
200-699
700-End
31 Parts:
0-199
200-End
32 Parts:
1-189
190-399
400-629
630-699 (Cover only)
700-799
800-End
33 Parts:
1-199
200-End
34 Parts:
1-299
300-399
35
36 Parts:
1-199
200-End
37
38 Parts:
0-17
18-End
39
40 Parts:
1-51
52
53-60
61-80
81-99
100-149
150-189
190-399
400-424
425-699
700-End
41 Parts:
Chs. 1-100
Ch. 101
Chs. 102-200
Ch. 201-End

Titles revised as of October 1, 1987:

Title

42 Parts:
1–60*
61–399
400–429*
430–End*

43 Parts:
1–999
1000–3999
4000–End

44

45 Parts:
1–199
200–499
500–1199*
1200–End*

46 Parts:
1–40
41–69
70–89
90–139
140–155
156–165
166–199
200–499
500–End

47 Parts:
0–19*
20–39
40–69
70–79*
80–End*

48 Parts:
Ch. 1 (1–51)
Ch. 1 (52–99)
Ch. 2 (201–251)
Ch. 2 (252–299)
Chs. 3–6
Chs. 7–14
Chs. 15–End*

49 Parts:
1–99
100–177
178–199
200–399
400–999
1000–1199
1200–End

50 Parts:
1–199*
200–599
600–End*

Projected January 1, 1988 editions:

Title

CFR Index

1–2

3 (Compilation)

4

5 Parts:
1–699
700–1199
1200–End

6 [Reserved]

7 Parts:
0–26
27–45
46–51
52
53–209
210–299
300–399
400–699
700–899
900–999
1000–1059
1060–1119
1120–1199
1200–1499
1500–1899
1900–1939
1940–1949
1950–1999
2000–End

8

9 Parts:
1–199
200–End

10 Parts:
0–50
51–199
200–399
400–499
500–End

11

12 Parts:
1–199
200–219
220–299
300–499
500–599
600–End

13

14 Parts:
1–59
60–139
140–199
200–1199
1200–End

15 Parts:
0–299
300–399
400–End

16 Parts:
0–149
150–999
1000–End